California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Court Upsets School Tax

State Park Planning Falters

HMO's: Health Care Option

Special: Nader Report on Land and Power in California

Hügo

September 1971 in Review

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Editor's Note

In this issue of *California Journal*, more than a month after Nader's Raiders dropped their bomb, we begin our coverage of this important report by devoting nearly a third of the issue to a summary of the report and its recommendations, an article on the background of the Raiders and their approach to the project, and a lengthy interview. The overall coverage this month is by far the most we have devoted to any subject to date. The interview with Robert Fellmeth, editor of the Nader report, is the longest interview ever published in the *Journal*. And this is only the beginning. In subsequent months we plan to probe further into specific aspects of the report.

Understandably, much of the initial press coverage emphasized the charges and countercharges, between the Raiders and individual state officials, as well as some of the evident errors which Nader's investigators had made in stating their case. Reporters assigned to the story were obviously angered, too, at being presented with a 1200-page report with little or no time to review it in advance. And the frequent use of supercharged adjectives and adverbs and the occasional lapse into innuendo were enough to disturb any good reporter.

Under these circumstances it is not surprising that press coverage was less thorough than it might have been. Indeed, it would have been surprising if the coverage had been other than it was. Nevertheless, the Nader report is an important document, and we believe it deserves the kind of thoughtful and dispassionate examination we intend to give it over the next few months.

It may be, as the *San Jose Mercury* observed, that many of the findings and recommendations are "old hat" and that many of the proposed reforms "have been urged for years by responsible individuals and organizations," but the matter is not so easily dismissed. If the reforms have in fact been urged by responsible people in the past, and have still not been adopted, this serves only to emphasize the fundamental charge of the report that our system of government is not functioning as it should.

One doesn't have to agree with all of the charges in the report to see the necessity, from time to time, to ask ourselves again the basic questions about the system whereby we govern ourselves, to assess our course and to make navigational adjustments if necessary. The Nader report is an admirable vehicle for such an appraisal.

* * *

This month's contributors include Darryl D. Enos who is director of the Center for Urban and Regional Studies at the Claremont Colleges and Denis P. Doyle who is a project director for the Education Development Center working out of Sacramento.

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When the Nader task force report on land use in California was released late in August it was immediately met with a heavy counter-attack from state officials and many of the private interests mentioned in the report. Now that the smoke has begun to clear, and we have had a chance to read the report, we are convinced that it deserves much more careful and detailed attention than it has yet received. Whatever the merits of the many individual findings and recommendations presented, the report touches on too many important areas of public policy, and probes them too deeply, to be ignored.

The following pages provide a brief summary of the report itself, a listing of the principal recommendations it contains, a report on the way the study was conducted and what is planned to follow it up, and a lengthy discussion/interview between Lou Cannon and Robert C. Fellmeth, who directed the study, on the objectives behind the report. In subsequent issues we intend to take a closer look at particular subjects of the report: the conflict of interest problem, water pollution policies, land development law, to name a few.

Nader Task Force Blasts State Officials, Land Use Practices

The Nader task force report, *Land and Power in California,* deals with four basic questions within the broad scope of its title. They are:

- Who are the principal private landowners in California?
- How do they profit unjustly from that ownership?
- How do they misuse the land they own or control?
- Why do state, local and federal governmental agencies fail to halt unjust profits and misuse?

The answers to these questions are in the eight chapters and extensive appendices into which the two-volume, 1200-page report is subdivided. Although the answers are in several cases less than adequately substantiated, for the most part the authors offer a profusion of background, case studies and detail to make their points. It is, in fact, this profusion of material, made more formidable by a lack of sufficient editing and organization, which is likely to make the report much more read about than read.

Unique Resource

"Land is a unique resource," says Robert C. Fellmeth, who directed the study for Nader. "The supply is limited, alterations tend to be long-lasting — often permanent; land use entails high external costs to neighbors and future generations; and land ultimately supports life and all forms of human enterprise; it touches everything."

In his preface to the report, Fellmeth explains the task force's objective in these terms:

> "Our objective was to discover how this unique resource fares at the hands of public policy and private power in California. We were guided by one major economic premise which is best stated at the outset. Insofar as possible, those who benefit from the expenditure of public monies should generally pay the cost of providing that benefit and those who impose costs, whether long range, speculative or indirect, on others, should bear those costs. To be sure, these principles cannot always be implemented nor can they always be counted on to effect a 'proper' allocation of land (or other) resources. Yet to the extent that they operate, they are counsels of efficiency as well as equity."

In pursuit of this objective, the authors of the report rarely atempt to present a "balanced" analysis. It is muckraking in the contemporary Nader style, and it leaves few of its targets unscathed. The major themes which recur throughout the report are common to other Nader attacks on private industry and government: public subservience to private interests, the perversion of expertise for private gain, nonenforcement and violation of laws, public subsidization of private industry, the unaccountability of state and local public officials, deliberate corporate dishonesty, and the consequent destruction of the environment.

Landowners

The first chapter of the report deals with the question: who owns the land in California? Public ownership accounts for nearly half — 48.7 percent. Much of the remaining land, say the authors, is held by "remarkably few" private corporations, and this concentration of land-ownership seems to be increasing, in no small part because of the close relationship between the major landowners and the state's financial, agricultural, logging and mining industries. Twenty-five landowners now hold over 13 percent of privately held land; 45 large corporate farms control 61 percent of the six million acres held by all corporate farms; 20 owners hold 43 percent of the private timber land.

Many of the largest landownings, of which Southern Pacific's 2.4 million acres is the largest, were obtained fraudulently in the past, says the report, but the owners have been able to expand their holdings

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and gain vast profits with the aid of the "land interest complex" — the banks, the builders and developers, the insurance companies and their "army of 235 lobbyists in Sacramento." In spite of this, the state has failed to develop and make public a comprehensive inventory of private land ownership throughout the state, thus further frustrating the individual citizen's efforts to fight the political and economic power of the major landowners.

Unjust Enrichment

In describing what the task force views as the unjust enrichment of the major private landowners, the report first deals in some detail with the economic power of California's large corporate farms and the vairety of public subsidies those farms receive from the federal and state governments. As farming organizations, these corporate farms receive huge subsidies, say the Raiders, in the form of tax advantages, price supports, illegally obtained farm labor, publicly financed water distribution, and university supported research and development. The largest, according to the Raiders' figures, the J. G. Boswell farm in Kern County, received $4.4 million in direct federal subsidies in 1970. Such subsidies, say Nader's agricultural economists, all help to enlarge and enrich the biggest farms despite the fact that those farms are no more efficient than the smaller farms they are rapidly replacing.

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The report also finds unjust enrichment in the advantage corporate farms and major land developers have in exploiting California's urban sprawl and the second home mania to which the state is "irretrievably losing her best farm land." As the urban population spreads outward, farmers sell out (often at great profit) to developers and speculators who break up the land in unplanned, scattered, and wasteful development. The consequences are a loss of public access to lakes, rivers and seashore and serious threats to wildlife. Perhaps most wasteful, says the report, are the rapidly multiplying second home developments in which only a very few homes have actually been constructed.

Tax Boondoggle

The Williamson Act, enacted by the Legislature in 1965 to protect the remaining open spaces, has not only failed in its purpose, according to the authors, but has become a device for assuring greater profits to the major landowners — "the twisting of a legitimate concern over the plight of prime crop land into an unjustifiable tax boondoggle for rich landowning corporations." Firms such as Kern County Land Company, Southern Pacific, Tejon Ranch, the J. G. Boswell farm, and the Irvine Company are said to be the principal beneficiaries of the assessment and tax breaks.

The report also deals at length with the history and development of the State Water Project, charging that the project has been an ill-conceived, economically unjustifiable scheme which will primarily benefit its builders, real estate promoters, the larger farms in the San Joaquin Valley, and the largest industrial water users in Southern California. The project, says the report, should be halted before the next scheduled phase is begun — the Peripheral Canal, which "may well lead to the destruction of all the north coastal rivers and San Francisco Bay." In closely related sections of the report the authors deal in a similar fashion with the Metropolitan Water District of Southern California and the U.S. Bureau of Reclamation's San Luis Project.

" . . . in a society that must increasingly pay attention to future impacts and longer range costs, the legal permissiveness surrounding and shaping the corporate structure . . . allows the seizure of the public resources with an immediacy comparable to a croupier's grasp."

Ralph Nader

Abuse of the Land

Nearly every chapter in the report deals directly or indirectly with abuses of the land and waters of the state by private landowners — including farmers, developers, the power industry, real estate speculators, the mining and logging industries, and others.

With respect to the state's water pollution law, the Porter-Cologne Water Quality Control Act of 1969, the investigators say they found a law "written by polluters and for polluters, weakened further by non-enforcement." The state, according to the report, has failed to enforce those provisions of the law which might reduce pollution, in large part because the polluting industries control the state and regional water boards.

Similar conditions are reported by the task force in forestry and logging practices, land development schemes, power plant construction, and transportation. Special attention is given to the effects of air pollution on agriculture and the effects of agricultural pollution (pesticides, etc.) on the state's waters. And a long chapter on transportation gives detailed treatment of what the report terms California's "freeway mania," which uses up the land, destroys natural resources and enriches the automobile-truck-oil-highway complex — and precludes the development of an efficient multi-modal transportation system.

"All of us are aware that, at least for us, this Report is not the culmination of our work, but the opening bell."

Robert C. Fellmeth

Failure of Government

State government in California is in a "condition of collapse" says Robert Fellmeth, with characteristic lack of restraint. The investigators found the lower to middle levels of state government to be "generally manned by responsible officials anxious to do their jobs," but they termed these civil servants a "silent majority," suppressed from above. The top level of government, according to the report, is paralyzed by a "structural corruption" which renders it helpless to

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enact and enforce laws which will halt the assault on the environment by large private corporations, or to exact fair payment for public services to industry and agriculture. Legislators, executive officials, and members of the various regulatory boards and commissions are all so enmeshed in personal conflicts of interest and are so dependent upon friendship, information, and financial support (campaign financing and employment) supplied by private interests that they are unable to stop "the continued exploitation of public assets, both fiscal and environmental."

Of particular interest to the Raiders were state laws requiring the majority of the members of state regulatory agencies to be representatives of the industries (real estate, logging, agriculture, etc.) directly affected by their decisions. These and other conditions stem, the writers indicated, not from an essential need for expertise in decision-making but from the ability of private corporate interests to overwhelm, numerically and financially, those who would oppose them in the Legislature.

As a consequence, the state has created conditions

Summary of Nader Report Recommendations

Nearly every chapter of the Nader task force report includes a series of recommendations for dealing with the many sins of commission and omission which the investigators found. Some of these recommendations are buried in the text and some are listed at the end of the chapters; some are relatively modest reforms and others call for major changes in structure and procedure; some are presented without equivocation and others are suggested with evident uncertainty as alternatives to other possible courses of action; many are familiar to those who have participated in state or local government in California, but several are highly original.

The following is a summary listing of those recommendations which were given particular emphasis in the report and in subsequent statements by task force members, together with several which did not receive such emphasis but which nevertheless seem significant in relation to the subject matter of the report. Although the recommendation to strengthen and enforce conflict of interest laws is listed only once, it is important to note that in the report this action is listed repeatedly as an essential reform in each area of the study.

Land Development Profits

1. Establish a "meaningful state planning agency" with the authority to aid state and local agencies in effective land use classification and control.
2. Protect remaining agricultural lands by (in order of apparent preference):
   (a) State enforced zoning of all remaining agricultural and open space lands with a substantial fee ("zoning-up fee") for any change in classification;
   (b) Increase the state tax on capital gains from land sales to a level 40-50 percent above regular income tax rates;
   (c) Consider state purchase and lease-back of all agricultural land; or
   (d) Tighten the Williamson Act.

Local Government

1. Bring about a "complete restructuring of local government, creating visible, elected officials leading a multi-purpose government based on natural community boundaries." This restructuring is to include doing away with school districts and other special districts, a reduction in the number of elected officials, the establishment of "state drawn new and permanent boundaries for cities," and measures to preclude conflicts of interest among local officials.
2. Conformity to state-determined minimum standards for zoning classifications.
3. Levying of a "zoning-up fee", to be paid over to the state, for any change in zoning. The fee is to be "equal to the increase in the value of the land due to the zoning change and the utilities, services and public investments entailed in the zoning change."
4. Abolish property taxes entirely, or change to a statewide property tax on land only, to be collected by the state and returned to local government on the basis of a land-population formula.
5. Provide special state financial aid for certain types of local public works — *e.g.*, mass transit, peripheral underground parking, low income housing, parks — but only upon submission of an "acceptable local general plan" which would be revised only at five year intervals and only after necessary supporting studies.

Agriculture

1. Establish limits on the amount of land which corporate farms may hold.
2. End the capital gains advantages of corporate farms and close other discriminatory tax loopholes.
3. Zoning-up fee.
4. Provide some "tax break" for small farms.
5. End unfair income subsidies.
6. Stop the "greencard commuter" practices.
7. Improve measures to stop wetback entry.
8. Close down the federal Farm Labor Service.
9. Improve legal protection for farm laborers.
10. Charge the full cost for water from state and federal projects.
11. Charge the full cost for agricultural research and development by state institutions.

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for local government, particularly in regard to taxation and interest representation, that preclude effective city and county government responsible to the public interest. Chapter VI of the report deals with this problem at length, based upon a detailed examination of fragmented and ineffective local government in Santa Clara County.

Throughout the report the authors directly and indirectly argue for the creation of a countervailing power to oppose the private interests. This countervailing power would take several forms: enlarged legislative staffs, increased public representation on regulatory boards, more manpower for enforcement agencies in the resource field, and greatly expanded lobbying, litigation and public information efforts on the part of conservation and consumer groups. Above all, the report stresses a need for "reform" at the highest level of state government, and particularly in the Legislature, to rid it of the "structural corruption," the conflicts of interest, and the undue influence of powerful private interests which block the path to land use policies and practices in the public interest.

Pesticides

1. Provide General Fund rather than special fund financing for pesticide control services.
2. Provide more staffing, stronger enforcement powers for pesticide residue inspectors.

Water Projects

1. Establish a "truly independent" state Agency for Project Evaluation to conduct cost-benefit studies of water projects.
2. Halt development of the Peripheral Canal and all further construction for the State Water Project.
3. Establish "intellectually valid" standards for project evaluation and enforce their use.
4. Extend conflict of interest laws to water project officials and policymakers.
5. Increase staff for legislative water committees and provide funds for special studies and project evaluation.
6. Strengthen and enforce the state's counterpart to the Hatch Act and make it a felony for a high state official to knowingly issue false statements, destroy records, retaliate against employees, or conspire to violate regulatory laws.
7. Curtail powers of the Metropolitan Water District of Southern California; enforce fair price setting by MWD; strengthen the Los Angeles City Council's Water Committee.
8. Bring special districts under county government, eliminating such districts.
9. Disband the federal Bureau of Reclamation in California, giving its powers to other federal or state agencies.

Water Pollution

1. Demand tougher action against polluters by state and regional water quality control boards, including immediate cease-and-desist orders for all violations.
2. Strengthen the Porter-Cologne Act; make polluters carry the full cost of enforcement.
3. Require the resignation of all state and regional board members who have any interest in "pollution organizations".
4. End the exemption for agricultural pollution.
5. Adopt federal standards for drinking water.
6. Levy a tax on waste discharges of industry and agriculture with the tax rate set according to discharge volume and toxicity.

Transportation

1. Establish a single comprehensive state Transportation Agency for rail, water, air and road transport.
2. Estabilsh a separate, well-staffed citizens' Transportation Commission to review and revise, as necessary, the plans and policies of the transportation agency.
3. Use mapped highways procedures to coordinate all transportation modes at local levels with regional and state plans.
4. Adopt other reforms to eliminate unjust enrichment from public works (i.e., zoning-up fee or capital gains tax); change condemnation rules (unspecified); consider the feasibility of extending condemnation to acquire lands adjacent to planned public works for subsequent resale at higher value.
5. Create a single transportation fund.
6. Commit "large sums" of state funds to research and development in alternative systems of transportation.
7. Abolish the Highway Trust Fund and reduce the level of federal participation in remaining interstate highway construction.

Legislature, Other Public Officials

1. Enlarge legislative staff; establish an independent consumer counsel for each administrative agency.
2. Establish stricter controls on special interest lobbying; provide state aid (e.g., tax allowance or "voucher") for "public lobbying".
3. Set ceilings on campaign spending and provide public financing.
4. Require major local officials, state executive officers and legislators to serve full-time with no other sources of income (raise legislative salaries).
5. Require complete disclosure of investment conflicts and divestiture of all non-personal assets by major officeholders into blind trust or fund arrangements.
6. Prohibit acceptance of any remuneration or employment by an affected interest for at least five years after an official leaves office.
7. Record and publicize legislative committee votes.
8. Expand and strengthen campaign finance reporting laws.
9. Create a State Evaluation Agency with the sole task of evaluating public works projects.

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Background on the Report: How It Was Done, What Happens Next

The foray of Ralph Nader's Raiders into California for a 14-month investigation of California land use and abuse is characteristic of the growing institutional presence of the Washington-based consumer advocate and his increasingly diversified operations. It may also provide an important test of the limits of that presence, for although Nader neither wrote nor, apparently, edited any part of the report, public interest in its findings is clearly dependent on the aura of integrity and authority that surrounds Nader himself.

The two-volume, 1,200 page report is the product of the Center for the Study of Responsive Law which is located in Washington, D.C., and is the oldest of the Nader operations. The center was established in 1969 as an educational and charitable organization with tax-exempt status. Initial financing totaling $95,000 was obtained from three foundations and one individual donor, and foundations continue to fund 95 percent of the center's budget. The center's tax-exempt status is significant not only for its funding but also because it restricts the center to the preparation of studies and reports, in contrast with the other more activist groups under the Nader umbrella.

Theodore J. Jacobs, 37, is the executive director of the center and general administrator for Nader's entire network of public interest activities. In addition to the center, Nader's consumer action complex — mostly located in the nation's capital — includes the Public Interest Research Group, an Auto Safety Center, a Corporate Accountability Research Group, a center for Concerned Engineering and several other related investigatory groups. The degree to which Nader directs these organizations varies: some he himself heads, others are headed by people he has recruited, but all operate in the Nader style of direct, personal commitment to exposing public and private exploiters of the citizen consumer.

California Task Force

Recruitment of students and professionals for a Nader task force study groups usually occurs approximately six months before the project begins. Most of the members of the California task force were recruited on the East Coast in the early part of 1970. The 25 investigators — 21 men and four women — were for the most part graduates of prestigious Ivy League and California universities with degrees or graduate work in law, economics, city planning, genetics and other relevant disciplines. All were relatively young, but with an average age about 25, they were, according to project director Robert C. Fellmeth, the oldest Nader task force to be fielded to date. The majority, like Fellmeth, consider themselves to be Californians.

Fellmeth, who is 26, has been associated with Nader since the summer of 1967, following his graduation from Stanford. He grew up in Hawaii and California but went east to receive his law degree from Harvard in 1970. He is the author of Nader's report on the Interstate Commerce Commission, *(The Interstate Commerce Ommission)* and co-author of a report on the Federal Trade Commission with John Schulz and Edward Finch Cox.

The study was funded in the amount of $18,500, with the Sierra Club ($7,500) and the Abelard Foundation in New York the major contributors. Work on the report had begun in California by early summer of 1970, with most of the task force members traveling out to the West Coast at their own expense. Project director Fellmeth rented a house in Carmichael, a suburb of Sacramento, to serve as a headquarters for the group. Although it is generally agreed that the original idea for a study of California land use policies was Nader's, his only direct association with the study during its preparation in the field was a brief one-day visit to Sacramento for what one Raider calls a "pep-talk".

1000 Interviews

Divided into "subteams," the task force members then began to read everything they could on their subject, preparing bibliographies and gathering documents as they went. They also began to compile contact lists — people to be interviewed — including people who had complained to Nader about local problems as well as persons believed to be knowledgeable in specific areas of interest. Many of these people were interviewed early in the study as a means of identifying crucial issues and problem areas and to uncover additional documentation and other source material for the studies.

According to Fellmeth, the Raiders eventually interviewed over 1000 persons, including city planners, sanitary engineers, loggers, developers and their salesmen, civil servants and others related, even remotely, to land use. "Almost all," says Fellmeth, "were at the grassroots level where the action is really taking place, not where the PR is taking place."

Roger Haines, who wrote the sections on transportation dealing with the Southern Crossing, the National City Lines monopoly and the Bay Area Rapid Transit District, acknowledges, however, that task force members tended initially to seek out individuals sympathetic to the conservationist and public interest thrust of the report. Only after they had completed much of their research did they confront department directors and other prominent public figures with their findings.

Haines was something of an exception in comparison with the other members of the task force, as he was recruited in California after the project had begun. A graduate of the University of New Mexico and Boalt Hall, he had some direct experience in a county assessor's office and a brief association with the federal Water Quality Control Board before joining the project.

"After a week on the study you felt as though you couldn't read another word," Haines says. "And after two weeks, people whom you interviewed began to refer you to each other."

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Few of the report's authors received any financial support from the project except for telephone and travel expenses directly related to their study. Haines was one of the few to be paid, receiving by his own report a total of $300.

Having done their reading and conducted the interviews, the teams came back together to go over their findings. At this stage they also undertook a number of special surveys, analyzed several of the principal state laws in the field and made concerted efforts to obtain several "suppressed" reports. In some cases the Raiders were able to gain access to the files of federal and state agenices, in others they were denied such cooperation.

Publication

Research and writing by the task force members was completed by late 1970 and forwarded to Washington, according to those who did the work. The subsequent delay in publication is as yet unexplained; it clearly did not result from extensive rewriting, for the report itself offers a variety of writing styles as well as weaknesses in organization and factual error which suggest that there was little editing. The complete report (which was incomplete when first released) has so far appeared only in a loose-leaf photo copy form which has been reproduced directly from typewritten manuscripts and is labeled "preliminary draft."

The report was released to the public in a series of three press conferences August 22nd, 25th, and 27th in Washington, San Francisco and Los Angeles. This action, clearly calculated to gain maximum publicity, was only partially successful. Not surprisingly, much of the initial press coverage focused on the charges leveled against individual state officials and the counter charges from those so singled out. Angered by this, Fellmeth has tried to play down the attacks on individuals, saying that they were simply illustrative of the broader problems of special interest lobbying and conflict of interest.

Fellmeth has repeatedly claimed that the main thrust of the study, the analysis of laws, institutions and policymaking processes, has been overlooked by the press. Roger Haines agrees, but suggests that stylistic changes in the report would have avoided this. "Charged language and the more sensational allegations against specific individuals," Haines says, "should have been left out of the report. The press would have then been forced to deal with the more substantive issues we raise and discuss."

Follow Through

The task force itself has been disbanded for some time, the Raiders having returned to their jobs and studies. Fellmeth, himself, is back in Washington, D.C., preparing to launch a new Nader study, this time of Congress. Hence, the follow-up will have to be done by some other organization. At present there appear to be three possibilities.

Fellmeth now plans to return to California within a year to set up a new group, probably centered in Sacramento, to pick up where the report left off in pressing for reform through new laws, class action litigation and additional investigations. In the meantime he and others in the Nader group will give aid to other organizations, such as the Sierra Club, which have gone to court to stop current development projects described in the report.

It is also expected that California student organizations may be induced to pool their resources to form an organization to hire researchers, lawyers and other professionals to carry on the work outlined in the report. James Welsh, a Nader emissary and former Washington Public Interest Research Group attorney, was instrumental in setting up a unique student-funded group in Oregon with associate Donald Ross. Students there are being asked to pay $3 each year to hire lawyers, scientists and other professionals to represent the public in environmental and consumer cases. Welsh and Ross, who visited California last year in an unsuccessful attempt to sell a similar plan to student leaders, have since returned to Washington.

Other organizers from Nader's staff have helped to set up independent public interest research firms in Ohio, Connecticut and Minnesota. Significantly, these organizations have no formal connections with Nader's Washington operations. There is substantial evidence that the Nader organization is now moving away from projects that involve study teams working outside of Washington. According to a *National Journal* article on Nader's Washington activities, the consumer advocate is beginning to sense the dangers in the scattershot approach used in the California study. Nader intends to "shoot a little more carefully — using rifles instead of shotguns," the magazine reports, with his other activities largely limited to helping others set up organizations of their own.

California Action

The third follow-up possibility lies with a "public interest corporation" named California Action which was established in April by Keith Roberts, author of the task force study on the State Water Project. Roberts, a graduate of Harvard Law School like several others on the task force, is a San Francisco attorney, chairman of the Sierra Club's Power Policy Committee, and publisher of Clear Creek, a conservationist magazine. Together with his wife Polly, a Radcliffe graduate and author of the report sections on pesticides and agricultural subsidies, and Joe McCray, his law partner and an economist, Roberts set up the firm as a means of aiding California's diverse and often divided consumer-conservation groups to come together as an effective lobby for the public interest. The firm intends to work primarily, but not exclusively, in the areas covered by the task force report.

Keith Roberts and his wife are also the only ones so far to express an interest in having the task force report presented in a more finished form. They say they are now exploring the possibility of publishing, on the West Coast, the agriculture and water development sections and an abbreviated summary of the rest of the report within the next few months. Roberts also says he assumes that Grossman Publishers, Inc., who published the first Nader book, *Unsafe at Any Speed*, in 1965, will approach Nader to publish the full California report sometime next summer.

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An Exchange of Views on the Nader Report - Task Force Director Robert C. Fellmeth and Lou Cannon

Robert C. Fellmeth was project director of Ralph Nader's task force on California land use and editor of the 1200-page report on the project. He was interviewed for the Journal *by Lou Cannon, Washington correspondent for Ridder Publications. The interview was conducted in Washington on September 16th and was edited to fit these pages.*

Lou Cannon: Before we get into the substance of the report, Bob, let me ask you about one thing. I found there was a distinct unevenness in tone in the report, almost like it hadn't been edited overall. In some chapters there are lots of pejorative adjectives. And if you say that 50 things are fraud, for example, then the word fraud loses its impact. In other chapters there is a careful use of strong language, but I felt that the indiscriminate use of strong language detracted from the overall impact of the report.

Robert Fellmeth: It could be that the inconsistencies in tone in various chapters occur because they were written by different people. But a lot of it depends upon whether the substance of a chapter angers the reader. If it really angers the reader, the language may not seem that strong. If the evidence seems very weak, then the language seems inappropriate and loose. I think we used the word "fraud" probably four or five times, not very often. We used "corrupt" maybe seven or eight times in the report, not very often; but we may have used them in the wrong places.

Cannon: I thought in your discussion of the campaign finances, that what you did is the kind of thing we are often faced with in the news business. It's not enough, as has been pointed out to me, to say that someone makes a lot of money, or that someone was a former employee or something, and then to impute or to write sentences in such a way that it implies that he is in the pay of somebody. I don't think that you really show with precision where a person is operating because of specific favors, and in many cases I don't think they are.

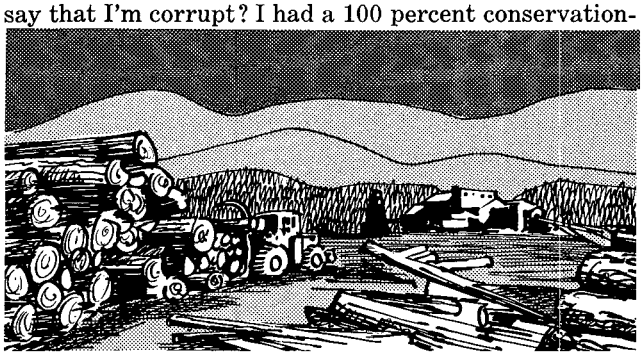
Fellmeth: We're not trying to. People have misunderstood the purpose of Chapter Eight. The purpose of Chapter Eight is to take a very general, "macro" look at institutions of influence, and the setting for influence in Sacramento, in light of the previous chapters. Now, we have the specifics on campaign contributions and the precise examples have been established in enough instances, we believe, so that people can understand and accept that it can have an influence. We don't mean to say that it always does.

We make it very clear in that section and the next section on conflicts of interest, that people can have conflicts of interest and vote against them. People can have conflicts of interest that develop only after they form their views. They can form a view, favor a certain industry, a certain policy issue, and then attract the support of that industry because of their view afterwards. We say that explicitly, and we're aware of that, and there's no question about that in our minds. But, that's not our point.

Our point is that institutions are such that there is a corruptive setting. That, in fact, campaign contributions do have some influence. You can argue about whether a given representative or assemblyman or senator is influenced by campaign contributions. We don't mean to say that every person is, or even in Chapter Eight that any one, specifically, is influenced by conflicts of interest. That's the farthest thing from our minds. All we're saying in Chapter Eight is that there is a corruptive setting. There is a corruptive dynamic in terms of the modes in influence.

And I think that emphasis should have been understood, because what do we say at the end of the chapter? We say these reforms should be made, and the chapter is focused upon and reaches a climax in detailed presentation of institutional reform: a campaign contribtuion scheme, a conflict of interest contribution scheme, and so forth. This is the kind of thing we're zeroing in on.

One reporter went to some of the legislators, and one said, for example, "How can the Nader's Raiders say that I'm corrupt? I had a 100 percent conservation-



ist voting line, I voted with the Sierra Club right down the line." And the answer is: Of course; you may even have more integrity than anyone else. You won't even guess what may be a conflict of interest, but that's not our point. Our point is that a conflict of interest should not exist.

Cannon: Jess Unruh went for a conflict of interest law in 1965, not really caring for it, but in order to make it possible for the Legislature to pass a constitutional revision that was primarily a built-in salary increase for legislators.

And of course they wanted it dropped because they never wanted it in the first place. It seemed to me that you people ought to be able to say that it's no mystery. I've written it, and other people have written that they didn't want a strong conflict of interest law. Jess always made the point that conflict of interest laws don't really do very much. He used to have a line where he would say that Massachusetts has the stiffest conflict of interest laws in the country, and they also rank highest in corruption. Do you really think that having the kind of conflict of interest laws you recommend would really do anything at all?

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Fellmeth: I think that's a point well taken. We did do a survey of all the other legislatures, and I'll say this: there are probably eight or nine legislatures that have better conflict of interest laws than California. Most of the rest really don't have much of anything at all. But even those eight or nine have very bad conflict of interest laws. The problem is that it doesn't matter how good a conflict of interest law is, it can be a beautiful law, but if it has a gaping loophole, it doesn't matter how beautiful it is on each side of the loophole, you can go right through the middle of it, and that's the problem. That's what's happening.

So what we want is a self-enforcing kind of a law where you have divestiture of almost everything and full-time employment. You're a full-time legislator. We suggest a system where non-personal assets are put into a blind trust, where they simply get the interest on secure investments and so forth, but they don't know what their assets are, they're no longer a part of their occupation. They are legislators, and that's it.

Cannon: I'm skeptical that you're going to be able to get the kind of really tight statute that you talk about. Politically and legally there are difficulties with drafting. Now I don't know, I'm not a lawyer, but there were people who felt there were serious problems when the Unruh bill was being drafted in California.

I just wonder if you are putting too much faith in the panacea of a tough conflict of interest law — which has been a panecea since the Progressive Party platform of 1912 — it never seems to work — in favor of some other kind of institutional reform. It seems to me you're relying on something that's been very difficult to attain technically, as well as politically.

Fellmeth: First of all, we do have other structural reforms we want to make. There's a campaign contribution reform, and so forth. Some of them are fairly wholesale changes, like having the state finance campaigns under certain criteria. That also is going to be tough to get through, because most incumbents have a campaign contribution advantage over challengers.

I'll grant the point that politically both these reforms, and some of the other reforms we mentioned, too — restructuring of local government, ending the property tax — are going to be very difficult, politically, to do, because the people who are in power got in power because this system is the way it is, and they're not going to want to change the system that gave them power. The only way I can think to do it is to focus so much attention and so much pressure that it becomes politically impossible for them not to take a position on it. I admit it's going to be politically very difficult to do, and I'm not the most optimistic person in the world about it, but there are some people who are going to introduce this legislation in California next year. Then we'll have a chance to at least see how these guys are going to vote. Once Californians see how they're going to vote, if we can get a recorded vote on some of these things, then we can go to the polls and see what we can do there.

Cannon: Is that the most desirable way to eliminate conflicts? Will it in fact accomplish what you expect? There are so many laws that have been honored in the breech.

Fellmeth: Well, that's the problem. Most laws require an enforcement agency which either is, or shortly becomes, dependent upon whatever it's enforcing for its subsistence and continued survival. We understand this. That's why our solutions generally try to avoid this as much as possible by focusing on what we call self-regulating mechanisms, or independent enforcement mechanisms.

You have to have three things: a specific, precise law; an independent enforcement mechanism; and sanctions. Unless you have all three, it doesn't matter if you have two of the three, because you're going to lose, and that's the problem. I think we really realize that, and we realize this report is not the answer. I mean, it's going to have to be another step beyond the report to do it. But you can't just say that they've tried it in the past, it hasn't worked, forget about it.

Cannon: Well, I hope I wasn't putting it on quite that basis. I was saying that you have to make certain choices as a practical matter.

Fellmeth: Well, maybe, but see, once we've made this reform we really feel that a lot of things will begin to follow. The staffiing in the California Legislature is probably the best in the nation. I'll definitely grant

that, but relative to the need, it's not adequate, I don't think, relative to the size of bureaucracy, and relative to the problems. With more professional staffing, more expert staffing, and with conflict of interest laws and with the campaign contribution law and with some of the structural changes, I think you're more likely to get property tax reform and you're more likely to get some of these other things. That's why that's our priority, because we see it that way.

Cannon: I'm a little bit concerned even that you could accomplish your result in the Legislature. I know legislators who are really guilty of sins of omission that are so manifold that they're worse than some of the wrongdoing. One of the ways you stay in office is that you don't rattle any cages. It seems to me that you could wind up with a legislature that might be pure, in terms of economic conflicts, but which has a lot of the qualities of bureaucracy which would really make it resistant to change.

The Legislature now has a relatively young staff. Most of these people are in their 20's or 30's and they're still full of piss and vinegar and want to accomplish something. But you see some of these congressional staffs, which are big staffs, and what happens down the trail? Isn't there a terrible bureaucratic danger there that you may wind up with the kind of bureaucracy that you have in the executive branches —

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experts, you know, who code everything and are as resistant to change as many of the congressional staffers are? What's your feeling about those two points?

Fellmeth: You've just opened up a lot. First, of all, your point about what I consider nonfeasance, that is, a failure to act out of fear. That is 99 percent of the failure of the Legislature. It's lack of courage as much as it is conflicts of interest, certainly.

I think it is being shown now, in terms of the letters we're receiving, despite the editorials and antagonism toward our report from almost every newspaper chain, most of them, by the way, have large land holdings, that the people of California are on our side on these issues. Once they know just a minimal amount of information, much less what's in the report, and even in many issues that they don't know, they're on our side. I feel that if we can make it more democratic, make it more visible, that the votes are going to begin to reflect that.

Cannon: That you can make what more democratic?

Fellmeth: The Legislature.

Right now one of the responses is that they don't want to rock the boat. The problem right now is that they have nothing to lose. Right now, they really feel as if, unless they offend someone, they're going to win. That's the problem. There's very little turnover in the state Legislature. They feel as if they're going to stay in office as long as they don't offend someone, don't make a big deal, don't make a splash, don't call attention to themselves. But if they can count on being challenged by someone very strongly, because he's going to have the same campaign financing that they're going to have . . .

Cannon: How's he going to have the same campaign . . . ?

Fellmeth: Because what's going to happen with our campaign financing reform is that the state's going to say, for example, that each assemblyman may spend $35,000 and no more. And we give $35,000 to any candidate that meets some basic criteria.

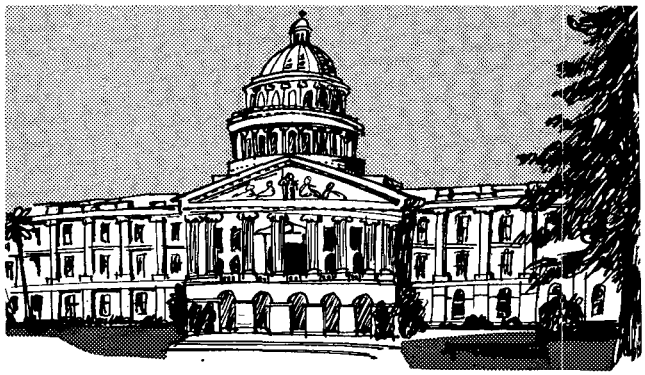
Cannon: How do you get the genie out of the bottle? How do you get the Legislature, with 99 percent performing with nonfeasance, to go along?

Fellmeth: The other aspect of this is that the votes in the Legislature are more visible, that means the committee votes and so forth. There has to be more PCL-type birdwatching. That kind of thing has to be institutionalized so the people will know how legislators are performing in committees. And if I'm running against him, he'll know full well that if that issue is popular in a district, I'm going to have as much money as he is, and I'm going to be going in there, and I'm going to make as much noise as he can make. And I'm going to be hitting him right down the line. Bang, Bang, Bang.

Cannon: I don't see how you get to that point. I don't see how even the best legislature in history is going to possibly set you up in business to do that. I don't see how you're going to get that kind of law passed.

Fellmeth: That's the problem. That's why we really want to focus on those two reforms, the campaign contribution and conflict of interest. If we can break the circle, the rest will begin there, the rest will begin to open up for us. I just don't know how it will be done, but . . .

Cannon: Let me take you back to the matter of conflict of interest — as to the executive branch. I have great trouble with your recommendations on the re-



gional water quality boards. It seems to me that as a matter of politics and as a matter of fairness, the government was founded, based on the needs of interest groups, landed interest groups. Nobody is going to be able to exclude the interest groups from some position of influence on the boards that regulate their livelihood.

It seems to me that you might very well argue that instead of eliminating people from boards, which is pretty negative anyway and difficult of accomplishment, that you might talk about opening up those boards and putting a lot more people who are now denied representation, rather than taking anybody that has any interest in land or water off those regional boards. I don't see how you could, and I question whether you should.

Fellmeth: Our philosophical view is a little different than that, much different. Our philosophical view is that the American model demands that the economic forces of society and the political forces of society be separate and distinct. That is, that there be no source of influence, aside from the influence involved in the public interest — an objective evaluation of the public interest — that can move a political decision-maker in his official acts. Now if a public official has a direct interest in one of the parties, one of the groups he is supposed to regulate, then I define that as intrinsic institutional corruption.

On the regional water quality control boards you have five to seven coming directly from polluting interests — agriculture and industry. Now, they constitute a majority of the regional boards, and it's quite easy for a *quid pro quo* to develop — you lay off my polluter, I'll lay off your polluter — in fact that's what's happened. There's been virtually no enforcement anywhere, except for one recent fine which we analyzed. It's been almost two years. I just don't think there's going to be enforcement until that situation is changed.

I think that holds true to the rest of the executive branch. The argument that is used to justify having polluters enforce anti-pollution law is not that they should be enforcing anti-pollution laws, but that there is expertise required, that they should be able to pre-

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Court Decision Shakes School Tax Structure

BY DENIS P. DOYLE

In a truly historic decision, the California Supreme Court, on August 30, 1971, ruled 6-1 that California's $4.5 billion public school financing system is unconstitutional because it discriminates against the poor. If the decision is upheld, *Serrano vs Priest* will undoubtedly be regarded as the most significant education decision of the decade. It is rivaled in importance only by *Brown vs Board of Education,* but unlike *Brown,* its effects may be rapid and dramatic.

California's public schools receive about 56 percent of their funds from local property taxes, with the rest from state and federal taxes. And the schools claim more than half of all local property tax revenues. It was the court's decision that this heavy reliance upon local property taxes gives wealthier districts a great advantage over poorer districts in raising money to support their schools. Thus, the quality of a child's education depends to a great extent simply upon where he lives. In the court's opinion this represents an unconstitutional form of discrimination based on wealth in an area — education — which the court says is a "fundamental interest" of every individual.

Background to the Decision

The Plaintiffs in *Serrano v. Priest* are Los Angeles County public school children and their parents. They brought a class action in the Los Angeles Superior Court for "declaratory and injunctive relief" against specified state officials who are responsible for administering the state's public school finance system. The suit is based on the charge that the system unfairly discriminates against children who live in low wealth school districts.

The defendants "demurred" as to the facts of the case (granted for the moment that they might be correct) and asked the trial court to dismiss the case on the basis that the plaintiffs' claims were not "sufficient to constitute a cause of action." An order of dismissal was granted by the superior court, and the plaintiffs appealed to the Supreme Court.

The Supreme Court reversed the initial trial court decision and returned the case to the lower court for trial as to the facts presented by the plaintiffs. Unless a state Supreme Court rehearing is granted, or the U.S. Supreme Court grants a hearing, a trial as to the facts will be held by the Los Angeles Superior Court. If those facts are determined to be accurate, that is, if some districts do indeed have a significant financial advantage over others, then the decision must follow the Supreme Court's ruling. Presumably the state, in that case, will be ordered to remedy the situation by revising its school finance system to give all districts equal tax resources.

Attorney General Evelle J. Younger, meanwhile, has petitioned the California Supreme Court for reconsideration and clarification as to the decision's immediate impact on taxing districts.

Other States

Although *Serrano* was decided by the California Supreme Court, it will have a profound impact in every state in the union. With the exception of Hawaii and Utah, school financing systems throughout the nation are much the same. At this time, similar suits have been brought in 35 states.

Initial news reports left the impression among many that *Serrano* had struck down the local property tax as an unconstitutional means of school support. In fact, rather than declaring the property tax unconstitutional, the court held that poor districts should have the same ability to raise funds as wealthy districts. Although this renders the property tax as presently employed unconstitutional, it does not render property taxes themselves unconstitutional.

The court cast the issue of unequal ability to support education in these words:

> Obviously, the richer district is favored when it can provide the same educational quality for its children with less tax effort. Furthermore, as a statistical matter, the poorer districts are financially unable to raise their taxes high enough to match the educational offerings of wealthier districts. Thus, affluent districts can have their cake and eat it too: they can provide a high quality education for their children while paying lower taxes. Poor districts, by contrast, have no cake at all.

The example used by the court is illuminating. Comparing two districts less than 40 miles apart, Beverly Hills and Baldwin Park, the court notes that a tax effort of $2.38 per hundred dollars of assessed value in Beverly Hills raises $1,231 per student. A tax rate of $5.48 per hundred dollars of assessed valuation in Baldwin Park raises only $577 per student. An increase of $1 per hundred dollars of assessed valuation in Beverly Hills will increase per pupil expenditure by $870, while a $1 increase in Baldwin Park only increases per pupil expenditure by $48. Residents of Baldwin Park must extend themselves much more than twice as far for less than half the results.

Holding that education is a "fundamental interest", similar to voting, which cannot be rationed according

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Serrano v. Priest

The following are excerpts from the 63-page decision of the California Supreme Court in the historic Serrano v. Priest *case regarding public school finances. The decision, announced on August 30th, was written by Justice Raymond L. Sullivan and won a 6-1 vote with only Justice McComb dissenting. These excerpts present the main lines of the court's decision but exclude the many supporting citations, as well as much of the data regarding the workings of the present school finance system.*

We are called upon to determine whether the California public school financing system, with its substantial dependence on local property taxes and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment. We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing. We have concluded, therefore, that such a system cannot withstand constitutional challenge and must fall before the equal protection clause . . .

State Aid

Although [state] equalization aid and supplemental aid temper the disparities which result from the vast variations in real property assessed valuation, wide differentials remain in the revenue available to individual districts and, consequently, in the level of educational expenditures . . . Thus, the state grants are inadequate to offset the inequalities inherent in a financing system based on widely varying local tax bases. . .

Having disposed of these preliminary matters, we take up the chief contention underlying plaintiffs' complaint, namely that the California public school financing scheme violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.

As recent decisions of this court have pointed out, the United States Supreme Court has employed a two-level test for measuring legislative classifications against the equal protection clause. "In the area of economic regulation, the high court has exercised restraint, investing legislation with a presumption of constitutionality and requiring merely that distinctions drawn by a challenged statute bear some rational relationship to a conceivable legitimate state purpose.

"On the other hand, in cases involving 'suspect classifications' or touching on 'fundamental interests,' the court has adopted an attitude of active and critical analysis, subjecting the classification to strict scrutiny. Under the strict standard applied in such cases, the state bears the burden of establishing not only that it has a *compelling* interest which justifies the law but that the distinctions drawn by the law are *necessary* to further its purpose."

In recent years, the United States Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain "suspect" personal characteristics. One factor which has repeatedly come under the close scrutiny of the high court is wealth. "Lines drawn on the basis of wealth or poverty, like those of race, are traditionally disfavored." . . .

Plaintiffs contend that the school financing system classifies on the basis of wealth. We find this proposition irrefutable. . . the wealth of a school district, as measured by its assessed valuation, is the major determinant of educational expenditures. Although the amount of money raised locally is also a function of the rate at which the residents of a district are willing to tax themselves, as a practical matter districts with small tax bases simply cannot levy taxes at a rate sufficient to produce the revenue that more affluent districts reap with minimal tax efforts . . .

We reject defendants' underlying thesis that classification by wealth is constitutional so long as the wealth is that of the district, not the individual. We think that discrimination on the basis of district wealth is equally invalid. The commercial and industrial property which augments a district's tax base is distributed unevenly throughout the state. To allot more educational dollars to the children of one district than to those of another merely because of the fortuitous presence of such property is to make the quality of a child's education dependent upon the location of private, commercial, and industrial establishments. Surely, this is to rely on the most irrelevant of factors as the basis for educational financing . . .

Until the present time wealth classifications have been invalidated only in conjunction with a limited number of fundamental interests — rights of defendants in criminal cases and voting rights. Plaintiffs' contention — that education is a fundamental interest which may not be conditioned on wealth — is not supported by any direct authority.

Importance of Education

We, therefore, begin by examining the indispensable role which education plays in the modern in-

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"...To All Children Equally the Abundant Gifts of Learning"

dustrial state. This role, we believe, has two significant aspects: first, education is a major determinant of an individual's chances for economic and social success in our competitive society; second, education is a unique influence on a child's development as a citizen and his participation in political and community life . . . Thus, education is the lifeline of both the individual and society.

The fundamental importance of education has been recognized in other contexts by the United States Supreme Court and by this court. These decisions — while not *legally* controlling on the exact issue before us — are persuasive in their accurate factual description of the significance of learning.

The classic expression of this position came in *Brown v. Board of Education* (1954), which invalidated *de jure* segregation by race in public schools. The high court declared: "Today, education is perhaps the most important function of state and local governments . . . Compulsory school atendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms . . ."

We are convinced that the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a "fundamental interest . . ."

We now reach the final step in the application of the "strict scrutiny" equal protection standard — the determination of whether the California school financing system, as presently structured, is necessary to achieve a compelling state interest.

Local Responsibility

The state interest which defendants advance in support of the current fiscal scheme is California's policy "to strengthen and encourage local responsibility for control of public education." We treat separately the two possible aspects of this goal: first, the granting to local districts of effective decision-making power over the administration of their schools; and second, the promotion of local fiscal control over the amount of money to be spent on education.

The individual district may well be in the best position to decide whom to hire, how to schedule its educational offerings, and a host of other matters which are either of significant local impact or of such a detailed nature as to require decentralized determination. But even assuming *arguendo* that local administrative control may be a compelling state interest, the present financial system cannot be considered necessary to further this interest. No matter how the state decides to finance its system of public education, it can still leave this decision-making power in the hands of local districts.

Cruel Illusion

The other asserted policy interest is that of allowing a local district to choose how much it wishes to spend on the education of its children . . . We need not decide whether such decentralized financial decision-making is a compelling state interest, since under the present financing system, such fiscal freewill is a cruel illusion for the poor school districts . . . so long as the assessed valuation within a district's boundaries is a major determinant of how much it can spend for its schools, only a district with a large tax base will be truly able to decide how much it really cares about education. The poor district cannot freely choose to tax itself into an excellence which its tax rolls cannot provide. Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option . . .

We, therefore, arrive at these conclusions. The California public school financing system, as presented to us by plaintiffs' complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence, and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny", it denies to the plaintiffs and others similarly situated the equal protection of the laws. If the allegations of the complaint are sustained, the financial system must fall and the statutes comprising it must be found unconstitutional...

By our holding today we further the cherished idea of American education that in a democratic society free public schools shall make available to all children equally the abundant gifts of learning . . .

The judgment is reversed and the cause remanded to the trial court with directions to overrule the demurrers and to allow defendants a reasonable time within which to answer.

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State Parks Face Critical Finance and Planning Problems As the Demand for Outdoor Recreation Rises

According to the Nader task force report on land use in California, the state's Department of Parks and Recreation is in a condition of "virtual collapse." The department, say Nader's Raiders, lacks "real commitment" to parkland acquisition; has failed to coordinate the work of the various public and private recreation suppliers in the state; has failed to develop "firm managment decisions . . . regarding programs, policies and priorities"; and has "consistently failed to consider the environmental effects of its projects."

Unfortunately, however, the reader is given few facts which are useful in determining the validity of these statements. Altogether the report devotes only about a half-dozen of its 1,200 pages to the Parks and Recreation Department and the state park system, and much of that is a rehash of studies by others, principally the Legislative Analyst. Very little is provided by the Nader task force in the way of an assessment of the state's success or failure in meeting the current heavy demand for outdoor recreation.

Acquisition Halts

One charge made by Nader's task force, however, that the acquisition of new parklands has nearly come to a halt in the past few years, is disputed by few in or out of the Department of Parks and Recreation. With the commitment this year of the last of the 1964 park and recreation bond funds, state monies for the purchase of major new units have been exhausted. Although the department has other funds at its disposal — $54 million in 1970 bond funds plus up to $12 million annually in federal assistance under the federal Land and Water Conservation Act of 1965 — they are largely earmarked for the development of camping, boating and other recreational facilities on the State Water Project reservoirs and the acquisition of small parcels scattered throughout the state.

The last major acquisitions by the state were the purchase of 6,500 acres at Point Mugu in 1966 at a cost of $16.7 million, 3,173 acres for Salt Point State Park (Fort Ross) in 1968 for $2.3 million, and 1,774 acres at Red Rock Canyon (Joshua Trees area) in 1969 for $258,000. In addition, after a long battle with the U.S. Marines, the state has been able to acquire leases to several miles of the Camp Pendleton beach for public use.

But the prospects for further acquisitions in the near future are exceedingly dim. There is no prospect that the state will obtain General Fund monies for major park acquisition. An early possibility that a portion of the first year windfall from adoption of withholding might be allocated to parks has quickly evaporated. And the chances of obtaining additional bond funds appear, at the moment, equally bleak. The Reagan administration informed Assemblyman Edwin L. Z'berg in August that it would strongly oppose the $250 million recreation bond issue he proposed. Although the measure passed the Assembly 66-4, the Governor's announced opposition, on the grounds that it might jeopardize other bond issues as well as state borrowing for current expenses, suggests that the Governor will veto the measure should it pass the Senate.

This is second of a two-part series on California's state park system. The first part appeared in the June-July issue.

Delays

Even if bond funds were to be provided in 1972 or 1974, experience has shown that it takes years before the availability of financing produces useable park facilities — even without another bond sale freeze such as occurred in 1970. Selection of sites to be purchased, negotiations over the purchase of each site, the preparation of development plans, difficulties in obtaining development funding, and unforeseen problems in preparing essential facilities all seem to take a great deal of time. Thus, for example, several of the units for which the 1964 bond act funds were planned still remain several years away from readiness as park sites.

Park director William Penn Mott Jr. acknowledges the need to plan ahead for acquisition. "You always get into questions as to whether you should acquire more lands while you still have lands that are not fully developed," he says, "but we have to buy now for 25 years from now because the lands that we are now developing were bought for us several years ago — 10, 15 or 20 years ago." Mott is evidently referring in part to the continuing pressure he has received from the Legislative Analyst to devote a greater share of available funds to developing those units which have not yet been opened to full public use. But he could also be referring to the Reagan administration's fiscal experts who, evidently, have given park acquisition very low priority among the many competing demands for tax and bond funds.

Mott Blamed

The Nader report, however, lays much of the blame on Mott's own doorstep, charging that his department has failed to aggressively seek a higher level of funding within the administration or to develop the sort of long-range plans which would make the need for more park funds readily apparent to everyone. The first charge would be hard to document in any case, but there is considerable evidence to support the second. Over the past decade the Department of Parks and Recreation (and its predecessors) has been given relatively generous funding for long-range, comprehensive planning for the state's outdoor recreation needs, but the results have been disappointing, at best.

Statewide Planning

In 1960 California became a leader in outdoor recreation planning with publication of the California Outdoor Recreation Plan by the Department of Natural Resources. This plan, which was drawn up under the

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supervision of a special commission representing a number of different state and local agencies, recreational interest groups, and legislators spelled out in general terms the state's outdoor recreation needs and priorities and showed how they might be related to the needs of each state and local jurisdiction.

This initial effort was followed in 1964-65 by the California Recreation and Parks Study, part of the second phase of the State Development Plan. This study was done by the Stanford Research Institute under contract to the Department of Parks and Recreation with the assistance of a board of prominent consultants. The purpose of the study was to make a comprehensive analysis of demand for outdoor recreation throughout the state and to establish the framework for estimating potential future demand. To accomplish this, SRI adapted a series of recreational activity classifications and norms, prepared by the federal government for the western states, to time and travel factors applicable to residents of local communities. In conjunction with this, a Parks and Recreation Resources Information System (PARIS) was designed to provide a computerized data base for continuing comparisons of recreation demand with an inventory of existing facilities.

During the next few years planning efforts were directed toward reviewing and strengthening the 1964-65 report and to putting PARIS into operation. In addition, a series of eight studies were published in which the SRI demand factors were applied to each of the state's standard metropolitan statistical areas, projecting outdoor recreation needs in each area to the year 1980.

Planning Ignored

Unfortunately, little of this planning activity had an impact on acquisition and development decisions for the state park system. Among other things, the planners had not yet discovered how to translate quantitative recreation and demand data into estimates of need for specific parks and recreation areas in any particular location. As a consequence, upon passage of the 1964 bond act the department turned to a private consulting firm for assistance in determining the projects for which the funds should be spent. And, characteristically, the advice which was provided by the consultant was largely ignored in the actual decision-making.

In 1967 a 15-man planning staff was established in the department director's office to undertake a continuing analysis of statewide recreation needs and problems, to maintain the California Recreation Plan, to review plans of other state and federal agencies, and to compile, with the aid of PARIS, basic data on outdoor recreation demand throughout the state. When the department was reorganized in 1967-68, this staff became the statewide planning branch of the planning and development division.

One of its first products was the California State Park System Plan, published in 1968. This was, in effect, a 20-year master plan for the state park system, providing, among other things, guidelines for the allocation of acquisition and development funds by types of project and region, and a list of four expenditure priorities: overnight camping facilities for the Southern California beaches, completion of the acquisition of lands of historical significance, recreation and preservation projects for the coastal sand dunes, and completion of the major redwood parks. The plan also called for expenditures of $150 million for new site acquisition and $470 million for development over the 20-year period, and recommended a $200 million bond issue "within the next few years."

STATE PARK FACTS

State operated parks	172
Acres	817,142
Campsites	7,815
Picnic sites	5,820
Boat launching lanes	104
Museums	24
Historic structures	154
Parking spaces (paved)	32,597
Roads (paved) — miles	313
Trails — miles	819

A year later the department translated this into a five-year capital outlay acquisition program for 1969 to 1974, calling for $41.7 million for acquisition and $73.4 million for development. Again, however, such planning had little impact upon subsequent decisions — this time largely because of the administration's decision not to seek another general park bond issue but to go for the water project recreation bonds instead.

Annual Needs Study

In 1968 and 1969 the department also became responsible for preparing a California Outdoor Recreation Resources Plan (CORRP) which, under the federal Land and Water Conservation Act, must be submitted each year to the federal Bureau of Outdoor Recreation for the state to be eligible to receive funds under this program. In theory, the plan is to lay out in detail all of the recreational needs of the state and is to be revised annually to reflect changes in either the supply or the demand for outdoor recreation. In practice, the California plan has been little more than a restatement of the 1964-65 study based upon analysis and population figures of ten years ago. This year's report, prepared in haste to meet the federal deadline, also incorporates statements prepared by local county and regional planning agencies as to what they think their outdoor recreation needs are.

Again, however, this planning effort has had little impact on the actual allocation of funds in California for parks and other outdoor recreation. The one exception is in regard to the approval of local projects to receive federal and state local assistance grants. In this one area the geographical and classification guidelines which are used in CORRP (derived from the 1964-65 study) are employed as a preliminary allocation device. But in none of the department's other activities does the mass of plans and statistics published over the years enter into and shape the important decision-making. Despite all the money and effort which has been expended to establish an effective statewide planning system, it is still basically true that "parks are where you find them."

As direct evidence of the administration's lack of

(Continued on page 244)

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Interview: State Parks Director Mott Talks About the State's Role in Providing Outdoor Recreation

William Penn Mott Jr. was appointed Director of the newly organized Department of Parks and Recreation by Governor Reagan in 1967. Formerly director of the East Bay Regional Park District, Mott is a professional park administrator, an articulate conservationist, and an avid backpacker and rock climber. The following interview, edited to fit these pages, was conducted in Mr. Mott's office on September 14th.

California Journal: The term "balanced outdoor recreational program" shows up in many of the recent policy statements of your department. What specifically does that term mean?

William Penn Mott, Jr.: Well, I think what we are talking about, when we talk about a balanced recreation program, is that people's recreation interests vary considerably. Some people like water skiing, some people like backpacking, some people like motorcycling, some people just like to be alone in a wilderness setting, some people like to camp with a camper car, some like tent camping. What we're saying is that if we are going to satisfy the varied recreation needs for people, we have to look at all the recreation opportunities in California.

In addition to that, we have the responsibility of preserving the unique landscapes in California and setting aside those areas that represent areas of historical significance and interest to people in California. So, we have the problem of providing for those who want recreation in an active way, those who would like us to spend all of our money in preservation of the natural resources, and then those who feel that the preservation of historical structures is important. We have to balance all of these varied kinds of interest.

Journal: How do you determine what is proper balance? Is it by intuitive judgement?

Mott: We don't have a scientific way or formula to arrive at this. Obviously, there are some groups that are much more vocal than others, and there is a vast majority of people that don't belong to any organization of any kind. We have to do this by talking with people, listening to people, by the surveys that we take in the parks; our rangers are alerted to this in the various parks and we get many, many letters — we get something like 16,000 pieces of mail here a month on this subject. Out of all this we can come to some conclusions as to what people are looking for, what they want in the state park system.

Journal: That's a subjective judgment — in the broadest sense, a political judgement . . .

Mott: It's a subjective judgement that we have to make on this. We do take surveys each year, but these surveys are basically with people who are already using the state park system. We don't have a means whereby we can say that the people in California, by this survey, say that this is what they need.

The people in impacted areas in California, who lack both the free time and the income that is necessary for this sort of thing, are really not a part of the utilization of the state park system. Forty-two percent of these people, according to our surveys, don't have automobiles to get to the state parks. So we basically don't provide for their kinds of recreation close-by.

Journal: Will the state park system 25 years from now be substantially different in scope than it is now?

Mott: No, I don't think so. I think we will still have a great responsibility in preserving areas for people to enjoy. I think, however, there will be some changes in forms of recreation. For example, we didn't anticipate what plastics were going to do insofar as recreation is concerned. As you know, the lightweight motors and plastics have changed people's recreation considerably. Boating was a rich man's sport 20 years ago. Today anybody can own a boat because of the new techniques of making the hull of the boat out of plastic. The lightweight motors have brought in the motorcycle, and people now are finding motorcycling and jeeping and that sort of thing a tremendous recreation. Then there is the spin-off from the Navy's experimental diving programs which have eliminated the heavy diving suit, and we now find that there are 300,000 people who are interested in underwater exploration, and we are now developing underwater parks.

I think you will find things changing like that. The lightweight pack frames, the down sleeping bags, the tremendous variety of dehydrated, quick frozen foods have greatly increased interest in backpacking. I think that we are going to see a trend back to more primitive enjoyment of the resources, through backpacking. I think you are going to see more use of tents, because of the lightweight simple balloon construction. I think you are going to find much more activity with bicycling than we had in the past.

Journal: Is the state likely to have any significant role in the preservation of wilderness areas?

Mott: If we are speaking specifically of wilderness areas in the concept of the National Wilderness Act, I would say that we probably will not have within the state park system any major wilderness areas, because they have to be 5,000 acres or more in extent. I think that we will provide the transitional zone for those who want to enjoy the wilderness areas. People coming out from these metropolitan centers can't go directly into a wilderness area and understand and appreciate and enjoy it, so I think we ought to provide the transition. We will have areas that will be similar to wilderness areas, but not on the same scale, that will give the person coming out of the city the same experience, the same feeling, but on a smaller scale.

Journal: Is there anything of that type now being planned?

Mott: Yes, we are looking at the possibility that within Anza-Borrego Desert we can establish such an area. Maybe we can establish such an area in the redwoods and in some of our larger parks.

I think that the Forest Service and the National Park service are going to have to look at the wilderness concept a little more carefully than they have, because the minute you say wilderness, people say, "Gee, I want to go there," and the impact at the entrance into the wilderness areas is very severe. I was up in the Marble Mountain area recently, and where you go into

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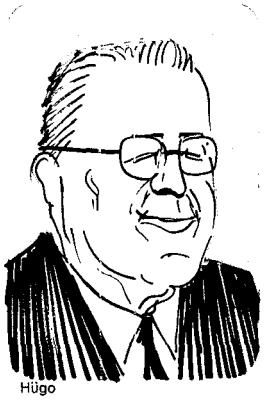
that area at Campbell Lake, you do anything you want to, put your fire anywhere, and its getting to the point where it is destroying that resource.

I think we are going to have to look to transitional wilderness areas to siphon off some of the people. I think we are going to have to maybe say that if you want to go to the wilderness area, you must pass through this transitional area where we will give you a simple test to see whether you would really appreciate the wilderness area before we give you permission to go to the wilderness area. I don't think everybody ought to be in a wilderness area, because they'll destroy the very values they're looking for. That is the reason why we say now that we are going to develop carrying capacities for the state parks. When that capacity is reached the gates will be closed, simply because we have found that human erosion is doing more harm to many of our areas than natural erosion.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Journal: What about open spaces? Is the state park system likely to have any role in the preservation of open space?

Mott: We are looking at this. We are saying that maybe to change the image of the emerging cities in California we have some responsibility to look at cities of 50,000 to 100,000 and buy state parks, buy land adjacent to these cities, so that as they grow into metropolitan areas of 200,000 to 400,000 people there will be this kind of open space resource within those metropolitan areas.

That is the reason we are buying the Annadel Farm property of 4,800 acres near Santa Rosa. Ultimately the Santa Rosa and Sonoma Valleys, are going to be completely urbanized, and now they are going to have this marvelous 4,800 acre park right within the metropolitan area. If we can do that all around the state, then as those areas grow into metropolitan areas, we will provide within walking distance or bicycling distance a tremendous open space resource.

Journal: It was somewhat surprising to see in your 1971-72 budget a statement about de-emphasizing statewide, long-range planning in favor of specific project planning. Does that simply reflect budget constraints?

Mott: Yes, our General Fund capabilities for long-range planning have been reduced considerably, and so this year we are putting all our efforts as far as our planners are concerned into the on-shore recreation development at the reservoirs, simply because we have the money to do this and we feel we are under a terrific pressure to do this as rapidly as possible, because the reservoirs are now being filled. Once you get water in a reservoir, you've got to have something there for the people. So we are concentrating on this because we've got to expend $60 million in about 3.5 years, rather than spread it out over 7 years, as was originally thought might be possible. We are going to have to put a great deal of effort this year into getting these plans underway, and it fits in with the fact that we don't have the General Fund capability for anything else.

This does not mean that we don't consider long-range planning important. We certainly do, and our outdoor recreational program will emphasize it, but we are hoping that next year we can get back on this. In fact, we will budget for additional personnel in 1972-73 to carry out our long-range planning responsibilities in developing our general development plans for our various parks.

Journal: It seems at the moment that much of your activity is heavily influenced by your immediate source of funds, for example . . .

Mott: That is exactly right.

Journal: . . . the 1970 bond act providing recreational facilities at state water project reservoirs. And another factor that must have an influence is that you are pushing toward 50 percent self-support for park operating expense. That must have encouraged beach development as against some other kinds of development.

Mott: No, not necessarily. In fact in all our discussions here that point has not come up. We do feel as a first priority that the acquisition of the warm water, gently sloping sand beaches of Southern California should take precedent over other acquisitions, and beach development is important to us. But basically it is because most of the recreation deficiencies are in Southern California where we have the tremendous volume of people, and we can get a lot of people on a beach without destroying the resources. So we have concentrated on beach development from that point of view, but not for revenue production.

The fact that we concentrate on some beaches doesn't necessarily mean that we don't do something else. We are just as concerned about Pt. Lobos and its development for 2,000 people as we are Huntington Beach with 600,000 people.

Journal: What would you say your department has learned as the result of the Point Mugu controversy?

Mott: Well, I think with Pt. Mugu we got into a situation where there was a shift in public's attitudes and opinions as to what ought to be done in an area of that kind. We started out with the idea that it was to be developed as a recreation area. We had three public hearings on the master plan for a recreation area which was approved by everybody — we had 300 or 400 people in each of those public hearings. Then the bonds couldn't be sold so the project couldn't move forward. Between that time and the time we finally got ready to go there was this tremendous change in people's attitudes and feelings about the out-of-doors, and so we had to shift from a recreation concept to a park concept and eliminate certain things that we thought were desirable as part of the recreation development.

I think the thing that got people disturbed more than anything else was the motorcycle area that we set aside. We feel, again in this balanced program, that since there are something like 3,000,000 off-the-road vehicles operating in California, and we should not put our head in the sand and hope they go away, they are not going away. This is their form of recreation, and we feel that we should get a handle on this thing. Our idea was to have this small experimental area to find out what some of the problems are, what the controls ought to be, what the safety program ought to be, etc. But when you mention motorcycles, people get all shook up.

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PARKS *(Continued from page 241)*
interest in planning, the department's statewide planning staff was largely eliminated in a reorganization put into effect July 1st of this year. The statewide planning branch has been abolished, and responsibility for "statewide studies" has been assigned to the local grants administration branch, with all but a few of the planners reassigned to other work (e.g., reservoir project development). Among the "statewide studies" is the CORRP report for the federal government, but it is evident that it will receive little attention in the near future as long as the federal funds keep coming. As is true in other state agencies, it is apparent that the department will do little more than is necessary to get the federal funds, and the federal officials are unlikely to demand more than minimal effort from the state as long as Congress is happy.

As a consequence, California, which once led the nation in outdoor recreation planning, has at least temporarily turned its back on such activity, and the Department of Parks and Recreation, which once led other state agencies in its commitment to planning, has apparently given up that role.

Project Planning

The department has also had considerable difficulty in living up to its own statements regarding the planning for individual state projects. The department's stated objective is to prepare a master plan to guide the subsequent development of each park unit, to be followed by development planning to provide engineering and architectural design and construction for the project to make it operational. In practice such project planning has been plagued by a lack of development standards, frequent plan revisions, pressures to rush to meet revised acquisition and development schedules, and insufficient funds to carry out projects already planned.

In budget hearings in the last two years the department came under heavy criticism from legislators and the Legislative Analyst for its failure to prepare and submit the project plans for which it seeks funding in time for adequate review. And often, because of a lack of accepted standards as to park development and the tendency of department planners to go well beyond what the Legislature will accept, as in the case of Point Mugu, development plans which have been prepared on schedule have been returned for substantial revision before they are accepted.

The Legislative Analyst has argued for many years that existing park sites should be developed before new sites are acquired and that basic camping and other facilities should have priority over high cost, specialized facilities. In general the Legislature's fiscal committees have agreed with the Analyst, particularly when confronted with such proposals as the expenditure of $9 million for the creation of an elaborate recreation area at Point Mugu and $660,000 for a swimming pool complex at Cuyamaca State Park.

Yet this approach as it is applied to site acquisition clearly works against long-range planning and development of the park system. The addition of a major new beach, park or historiacl monument takes many years from provision of the initial acquisition funds to final development of the essential facilities. If long-range acquisition plans are not prepared and implemented, the development of the park system becomes unbalanced, spasmodic and even more costly — much as it is at present.

Legislation

Among those who have become concerned about park development policy is Senator Anthony C. Beilenson, one of the leading conservationists in the California Senate. Beilenson was particularly ired by the fact that Point Mugu was reclassified as a state recreation area after being approved as a state park, but became even more concerned when he found existing state law to be so vague as to permit almost any type of development, whatever the classification.

Beilenson promptly introduced three bills to deal with these problems: SB 270 restoring Point Mugu to the classification of a state park; SB 271 requiring the Park and Recreation Commission to hold public hearings before classifying or reclassifying park units and directing the department to prepare a master development plan for each unit; and SB 272, which adds three new classes of park units (motor areas, natural reserves, and wilderness areas), and restricts the type of development permitted within each of ten new and existing classes of units within the park system.

SB 270 shortly became unnecessary when the department agreed to return Point Mugu to its original state park status. SB 271, according to Mott, simply formalizes existing procedures and therefore was also agreeable to the department. As last amended (July 9th), however, the bill also requires the department to prepare "resource development" plans for each unit "as a constituent of an ecological region and as a distinct ecological entity." This bill, which has been approved by the Assembly policy committee, appears assured of passage.

Beilenson has had greater difficulty with SB 272, which, although also nearing final action in the Assembly, has won approval only after substantial amendment. As originally drafted, the bill was strongly opposed by Mott and by the Parks and Recreation Commission even after Beilenson agreed to remove specific prohibitions against swimming pools, golf courses and playgrounds in state parks. And although the bill had won the support of numerous conservation organizations, it was clearly not of such priority with them to warrant a major drive to overcome the administration's opposition. As a consequence, SB 272 has gone through a series of amendments, primarily to ease the restrictions on development for state parks and recreation areas.

Nevertheless, if it clears the Assembly and the amendments are all agreed to by the Senate (as is likely since the department now supports the bill), SB 272 will still make an important contribution to the future development of the state park system. The statements of purpose for each of the ten classes of units and the remaining restrictions on development within each class provide, for the first time, a useful policy framework for the state park system. Although the department still retains a good deal of flexibility in determining the specific mix of development within each unit, the Legislature and the public will have much firmer guidelines against which they can measure the department's actions and proposals.

Of particular interest is language added in the Senate to require that state recreation areas shall be estab-

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lished only on "terrain capable of withstanding extensive human impact." This provision, together with a provision prohibiting inclusion of one class of unit, other than a state widnerness or a natural reserve, within another unit, should operate to preclude the development of state recreation complexes in areas such as Point Mugu which have special value in themselves.

Park Fees

Park fees have recently become another subject of dispute, as both state and federal authorities have repeatedly raised camping fees to help offset rising operating costs. As a consequence, park users are beginning to find camping vacations increasingly costly, and opponents of the fee increases have charged that the current fee levels discriminate unfairly against low income persons.

Fees for the state park system are now established with the objective of providing 50 percent of park operating funds from this source, a policy which was initiated in 1966 and then used to justify a major fee increase in 1967. The 50 percent target has yet to be reached, however, as fee income has remained at between 40 and 46 percent of operating costs. The principal reason the goal has not been reached appears to be that sharp increases in fee levels result in reduced park attendance the following year, while operating costs continue to rise. For example, park attendance fell by 20 percent in the summer months of 1967, as compared with the previous summer, after the basic campsite fee went up from $2.00 to $3.00 per night.

Somewhat surprisingly, the department continues to ignore the effect of price increases on park demand and upon access to the parks for low income persons, and is now considering further fee increases in pursuit of the 50 percent goal. As a result of fee increases announced in January 1971, the charge for "developed" campsites is now $3.00 per night and for "primitive" campsites is $1.50 per night. Other charges include $4.00 per night for trailer hookups, $2.00 for all day boat facility use, $.50 for each dog brought into a park, and $1.00 per vehicle for day use areas.

Park Director Mott says potential fee income is not considered when the department decides on acquisition and development priorities. However, it is evident that if any consideration at all is given to cost-benefit analysis, then the present fee system greatly encourages beach acquisition as compared with campgrounds. Lake and ocean beaches, which can and do accommodate much more concentrated usage than the campgrounds, are clearly the system's major revenue producers — apart from the Hearst Castle at San Simeon which alone provides nearly 25 percent of total fee revenues.

Park Reservations

Until 1968 camping facilities in the state parks, with few exceptions, were available on a first come, first served basis. As the number of campers grew to exceed the number of campsites, long lines of cars and trucks came to be a common sight at park entrances in August and on Labor Day. To ease this situation the Department of Parks and Recreation in 1968 initiated a campsite reservation system permitting campers with sufficient foresight to write to the department as early as January to reserve a campsite for the following August. In 1970 the reservation system was computerized, under contract with Computicket Corporation, making it possible to obtain campsite reservations at any one of 54 statewide outlets upon payment of one dollar (now $1.50) plus the regular campground fee.

Unfortunately, the initial contractor failed before the summer was over and the department was thrown back on its manual system. By January 1971, however, a new contractor, Ticketron, Inc., had been engaged to provide a much more extensive computerized system. Ticketron operates some 230 terminals throughout the state, principally in the larger retail stores, at which persons can obtain reservations for a wide variety of entertainment, as well as state park reservations. During the first five months of 1971 nearly 48,000 campsite reservations were made through the system, with about 90 percent made at the Ticketron terminals.

The computerized reservation system is expected not only to provide a convenience to park users but also to increase the utilization of park facilities. The heavy use of reservations in peak vacation periods has tended to discourage one-night campers in favor of those staying longer (the average stay is now 3.4 days. It is also expected to increase usage of less well known parks because the computer suggests alternative camping facilities to those who seek reservations at parks which are already filled. Beginning this year, reservations can not be made more than 90 days in advance, giving those who cannot plan their vacations many months ahead a better chance.

Contradictions

Clearly California over the years has developed a state park system of which its citizens can be proud and which provides unexcelled recreational opportunities for millions of residents and tourists each year. Yet now, in the face of continuing, unprecedented demand for outdoor recreation, the state appears to have lost its momentum and its ability to respond effectively to the challenge.

Anyone who examines current outdoor recreation soon discovers a series of contradictions which may explain many of the current difficulties. Officials of the Department of Parks and Recreation speak convincingly of the importance of long-range planning, yet such planning has been ineffective and now seems to have been at least temporarily abandoned. Recreation studies have demonstrated the need for additional park units, yet the Governor has indicated his opposition to a park bond issue for 1972. Park Director Mott talks about the need for a "balanced" park system, but the system is in fact being shaped by the sources of funds — which at the moment means a heavy emphasis upon recreational facilities for water project reservoirs. Department officials appear sensitive to the need to protect and preserve dwindling open spaces, yet the department's project planners produce development designs which, if approved, would have the opposite effect. There is much talk of professionalism in state park management, yet subjective judgments continue to dominate the decision-making process with respect to park acquisition and development.

This is not to say that the facts regarding the planning and management of California's outdoor recreation system are all negative — far from it. But if that system is to become fully responsive to current and foreseeable future needs, these contradictions will have to be resolved and many fine words transformed into real achievements.

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Health Maintenance Organizations Attract Federal, State Attention as Health Care Alternatives

By Darryl D. Enos

Health care delivery in the United States is in a bewildering state of flux. The traditional fee for service system, under which consumers are treated by medical providers who receive payment for each unit of service, is being attacked as unwieldy and extravagantly expensive. Medical schools and some university hospitals are suffering financial difficulties as costs of medical care provision and education continue to increase. Medical foundations are being established to supervise governmentally financed medical services such as those in Medi-Cal and Medicare, and a variety of pre-paid health care packages are emerging as alternatives to the traditional health care delivery systems. Most recently, medical providers and administrators have begun to plan for the creation of Health Maintenance Organizations, groups involving twenty or more physicians, as structures for meeting community health care needs.

The concept of Health Maintenance Organizations (abbreviated HMO) is rapidly becoming a matter of preeminent concern among many elected representatives, health providers, and government officials.

Comprehensive Services

There is much variety and even vagueness in current definitions of HMO's. But there is also substantial agreement about some of their primary characteristics. First, an HMO will provide a more or less comprehensive range of medical service in a single organization: emergency medical care, inpatient hospital and physician care, ambulatory physician care, and outpatient preventive care. Home health care, dental and convalescent facilities are often included. The number of physicians in an HMO will be dictated by the scope of services provided and by the number of patients receiving those services, but one physician to one thousand patients is likely to be a common ratio. The physicians can be direct employees of the HMO, have a consulting relationship, or form their own corporation and contract with the parent organization.

In HMO's, the provision of care most often will be centrally located in either a clinic or hospital, since the efficiency of both cost and services can be enhanced if the basic core of medical providers are in direct communication. For those concerned with the cost of medical care, this "group practice" aspect of HMO's is attractive because it has the potential for fiscal savings through mass purchase of medicine, relatively lower costs in providing physical facilities, and lower overhead.

HMO-like organizations, such as Kaiser-Permanente, have achieved cost savings for a number of reasons. As indicated above, a large number of patients permits savings through volume purchases of equipment, medicine and supplies, and further allows for the maximum utilization of expensive medical equipment. Most importantly, however, the fact that prepayment provides the HMO with a fixed income may encourage physicians to emphasize preventive medicine and to avoid providing other services that patients do not in fact need.

It has often been charged that this prepayment capitation principle encourages medical providers to "under-utilize," that is, to avoid providing needed care because the costs come out of the fixed income they receive. If income is fixed, it is argued, then quality of care will suffer, not the salaries of physicians. While this is a danger, there may be methods for avoiding under-utilization. If government money is paid to the HMO, external evaluation of the quality of services can be expected. In addition, methods for compensating the individual providers within the medical group can be developed to encourage them to avoid under-utilization. According to Gary G. Hagen, a consultant who developed one of the first prepayment Medi-Cal projects in Southern California, within the organization physicians can be paid on a modified fee-for-service system so as to require that they provide service in order to be compensated.

Cost saving is one potential benefit of the prepayment principle; cost predictability is another. The amount of the premium paid to the HMO may be fixed for a certain length of time, perhaps six months, a year, or even longer. Periodically, the amount of the premium will change, and, inflation being what it is, the amount may well rise over the long run. If government, employers, or unions pay part or all of an enrollee's premium, the timing and the procedures for premium changes will undoubtedly be set forth in contracts with the HMO's. This means that these paying institutions can predict and budget for their own cost in contracting with HMO's.

The recent crisis over Medi-Cal in this state makes this point very clear. The fee-for-service system is the predominant method for providing medical care to California's Medi-Cal beneficiaries. Under this system, the state pays the medical provider a certain amount for each service performed that is covered under Medi-Cal regulations. To construct a state Medi-Cal budget, officials have to predict the number of beneficiaries and how many approved Medi-Cal services each will receive. Shifts can and do occur in average cost per beneficiary which are impossible to foresee. Under prepayment, once the amount to be paid by the State to an HMO for each beneficiary is determined, the total amount paid to that HMO is influenced only by the number of persons enrolled.

Integration of Patients

A third major characteristic of HMO's is that their clientele must consist of a broad socio-economic variety of persons who have voluntarily enrolled in the plan. This really has two facets. While proposed federal legislation places some emphasis on medically "under served" urban and rural areas, the objective is to keep HMO's from catering exclusively to any one economic group of citizens. Washington officials frequently state that they want to avoid a two-class system of medicine, one for the rich and one for the poor. An "integration" of a broad spectrum of patients served by each HMO is the proposed formula.

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Also important is the probability at present that HMO's will be required to have policy-making boards which include among their members at least a few beneficiaries of the plans. This is one of the important differences between HMO's and other prepaid health care plans.

Nixon's Proposed Legislation on HMO's

In July 1969, presidential advisors Robert Finch and Roger Egeberg warned that "This nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector." President Nixon's subsequent legislative proposals are based partly on the recognition that government needs to cajole the private sector into creating enough HMO's to avoid this breakdown in the delivery of health care. Indeed, a key problem is getting the medical profession to undertake full-scale experiments with HMO's and other alternatives to the present health care system.

The costs of beginning an HMO are massive, and some observers believe that an HMO must have approximately 30,000 enrolled persons paying premiums before it can expect to turn a profit. However, even in the very earliest stages of enrollment, the HMO must have facilities and providers for all the services it is obligated to provide. Providers must be paid even if enrollment and resulting income are low. In addition, when an HMO enters into a contract for medical services financed by government, it is frequently required to provide bonds and other financial guarantees. A few catastrophic illnesses among patients of an HMO with a low volume of enrollees can quickly place the organization in heavy debt. For these reasons many of President Nixon's proposals are directed at making the early stages of HMO development more secure financially.

In order to encourage the development of enough HMO's to treat both the Medicaid and employer beneficiaries of this legislation, the Nixon Administration has also proposed that the federal government provide substantial fiscal incentives. If the legislation is passed, $23 million would be made available during fiscal year 1972 for planning grants and contracts for both public and private HMO's. During that same period, $22 million would be made available for operating grants, contracts and loans for public and private HMO's serving medically under-served areas. Another $4 million would be made available to medical schools to support the additional costs of their own operation of HMO's. Moneys would also be provided to increase the financial assistance to health professions schools and other institutions that train health personnel.

Medi-Cal Reform and HMO's

The Nixon health proposals put stress on the use of HMO's for delivery of care through the Medicaid, Medicare, and employees' basic health care programs. The proposed legislation also preempts any state legal barriers which might limit the use of allied health personnel or the use of the organizational form of health maintenance organizations. Thus HMO's appear to hold an important place in our medical future. Even Senator Edward Kennedy, a major congressional opponent of the Nixon health plan, does not question HMO's as a viable form of health delivery, but is concerned with the potential profits of private HMO's.

The nature of California's Medi-Cal "crisis," Medi-Cal reform activities generally, and Assemblyman Campbell's Medi-Cal reform legislation specifically, are in most important ways compatible with HMO's as a health delivery system. Government does need to be able to predict what its costs for Medi-Cal will be, and the prepayment principle increases cost predictability. In addition, it does appear that group practice will help keep the costs of medical care lower than costs under the fee-for-service system. The Campbell bill recognizes these advantages and encourages HMO's and other prepaid plans as delivery systems for Medi-Cal patients by exempting them for cutbacks in the amounts of payment made by the state for their services. If the director of the Department of Health Care Services believes the total cost of Medi-Cal will exceed available funds, he may alter the method or amount of payment to fee-for-service Medi-Cal providers, but not for prepaid health plans.

Acceptance

But the utility of HMO's as a major delivery system for Medi-Cal patients is endangered when we come to the question of patient understanding and acceptance of this form of health delivery. Organizationally, HMO's are rather complicated and esoteric and they involve uncertain combinations of a large variety of medical services and providers. In addition, they are new and therefore suspect, particularly among those who fear the loss of close doctor-patient relationships. And finally, there are always a plethora of regulations affecting the patients' eligibility for enrollment in an HMO.

If the Nixon Administration's concept of HMO's is to continue to gain respect, a comprehensive plan for recruiting and integrating patients must be developed soon. The future of HMO's, as the Administration envisions them, will in large measure be determined by the success of such a plan. The objectives are clear, but the mechanics have yet to be developed.

California

As far as California is concerned, HMO's are still in the talking stage, and there will be little firm knowledge of their specific characteristics until the federal legislation is passed. In the meantime, however, the state is encouraging experimentation with several forms of prepaid health care, some of which may later qualify under federal regulations as HMO's. The Department of Health Care Services now has contracts with four prepaid plans for Medi-Cal services: the Innovative Health System in Orange County, the Consolidated Medical System in Los Angeles, Kaiser in Fontana, and the Family Health Program in Long Beach.

State officials are confident that prepaid plans of various types will increase rapidly in California, as suggested by the backlog of applications for such plans. At present, these plans are largely limited to Medi-Cal beneficiaries, rather than providing the broad community coverage likely to be required of HMO's. Moreover they do not have the consumer representation feature proposed in the pending federal legislation. Nevertheless, successful operation of prepaid Medi-Cal plans will certainly ease the way for subsequent development of HMO's as an alternative form of health care delivery for all citizens.

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sent their arguments, that they should be able to point out the balancing that must take place in the enforcement of the law, and only they can do it. I answer that by saying fine, let them do it, but not as the decision-makers. Let the decision-maker be independent. Let the people deciding be independent, and let the boards consist of independent people. Let them make their arguments before the board. Let them issue all the information, all the expertise that is necessary. There's no problem there.

Yet, you have the executive branch being run by, literally, the industries being regulated. You have the State Board of Agriculture, the State Board of Forestry, the Real Estate Commission, all throughout the bureaucracy, you have this. And you have these conflicts required by law — that's what just killed us. How can you have government by the loggers, when the purpose of the regulation is to affect, to limit their profits? It is, in effect, to prevent them from passing costs on to future generations, to neighboring landowners, to wildlife, to erosion and to shoddy practices. But when they're making the decisions on how their costs are going to be passed on, their costs are more likely to be passed on to others. The purpose of the law is to prevent that, but it seems to be undermined. It seems to us that, given the purpose of the law, structuring government in that way results in its being structurally corrupt, and it must be ended right down the line. As a matter of law, no one who has any financial connection with those industries, should be in decision-making positions, although they should certainly be able to provide information. And furthermore, when someone regulating a specific industry leaves office, he should be prohibited from taking a job with that industry for a certain number of years after leaving office to prevent the deferred bribe kind of thing that's extant in Washington and in Sacramento.

Cannon: It seems to me that you have another problem there that you have alluded to in other contexts and in other reports prepared by the center. The difference, if you look at the decisions of some of these boards under question, the difference in the decisions between boards in which the people who have vested interests are required to be members, and those — some of the federal boards — in which they can't be, aren't all that great. In fact, I think I could take particular circumstances and argue that they might even be better in California.

Fellmeth: I would say, generally speaking, that in many cases it's true that there are boards and commissions and agencies here that do not have conflicts, that are just as bad as ones in California, I'll say that. It's true that we may end up with situations just as bad as some agencies here, but nevertheless, the conflict of interest situation is a barrier. And, unless that barrier is taken care of, I really don't think it matters much what else we do in other areas, because that barrier is going to preclude really meaningful reform along the lines that we have suggested.

But I agree that that's not the only barrier. I think there are seven or eight major barriers that tend to arise once you get a board that is, in fact, independent. You have a problem then of how are they appointed. Are they appointed by someone to whom they have been giving campaign contributions? Are they getting job offers from the industry afterwards, even though they may not be qualified? Is the information flow in their area completely dominated by the industry? Are the experts they're relying on, in fact, getting most of their income consulting for the industry? I think you would have to tackle them one at a time, but I think each of them could be tackled through structural reform or through changes in the law.

Cannon: Doesn't that conflict with what you say about the powerful effect of friendship?

Fellmeth: First of all, we don't want to try to change human nature. What we're trying to do is reduce the temptation. We're not going to eliminate all that we would consider to be nonobjective forces, but we're going to limit them severely. I think that if you go into it, you'll find that these kinds of subjective forces you were talking about, that it, friendship, just the idea of working with a group of people day after day, week after week, year after year, getting to know them, knowing that they're really nice guys, that's a very powerful force. We have to fight that in our investigations all the time. We had to fight within ourselves the fact that we talked to someone and we would like him and he was a nice guy and most of them are nice guys. They love their children. They liked the San Francisco Giants, just like I like the San Francisco Giants. But that doesn't have anything to do with their official function.

The point is that it's always going to be a force. But it is a force that we were able to overcome, and it's going to have to be a force that they're going to overcome.

Cannon: The problem is that you're giving equal weight to things that we know can be changed by law and things that really can't be. How to we minimize them?

Fellmeth: First of all, I think that there's going to be somewhat of residual affect from these other reforms. Secondly, and very important, there are a number of things you can do to affect the number of people who are friendly with legislators and the kinds of people who are friendly with legislators. You do this by beginning to change the balance of power, by lobbying. You do this by trade association trust busting. Presently tax laws are set up to, in effect, subsidize the way they're working, that kind of lobbying, that kind of friendship, deer hunting, and the Derby Club, and the Sutter Club and all the running around. In other words, these guys who are their friends, quite often, at least in the case of the Legislature, are being paid to be their friends, and there are a lot of them.

Cannon: You can't stop that.

Fellmeth: You can't stop that, but you can minimize it by cutting the subsidy given to finance these characters, by trust busting the trade associations, by beginning to give equitable tax treatment to tax-exempt organizations, like the Sierra Club or the Friends of the Earth. They should be able to lobby directly and not lose their tax-exempt status.

Cannon: Have you people thought about maintaining some sort of lobbying force, yourself, in Sacramento to pursue some of these reforms?

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Fellmeth: Well, you know that the report was tax exempt, so this is a bit touchy, but the report is now over — it has been released and that part of it is done. Now that it's over and done with and everything is through, an organization has been set up called "California Action" which is based right now in San Francisco and will probably move up to Sacramento eventually. Keith Roberts is in it — he was part of the project. It has a publication that is somewhat related to it that has been started by another of our group. It's called *Clear Creek.*

Those are two things that are already started. So we're trying to get something very solid built on the grass roots, hopefully. Then, in a year, I'm going to be going back to California, and I'll be starting another group, and we'll really be lobbying for this report and its follow-up. That's our plan right now, anyhow, and I think there will probably be four or five of us there, in addition to California Action and whatever happens to grow up from other groups. In addition to the Cal PIRG that Nader's trying to start — that is, getting all California students to contribute $2 three times a year to finance their own action team in Sacramento. There won't be one lobbyist each, there'll be five or six lobbyists each, so that would give at least 15 right there.

Cannon: It seemed to me that in the report you didn't recognize some of the people who were doing the same sort of thing in Sacramento that you want.

Fellmeth: We're not saying that other people didn't make the effort. The PCL has been making the effort. The Sierra Club and the California Wildlife Federation make the effort. Those and a few miscellaneous other groups here and there. It's just like . . . it's so insignificant compared to what's going to have to be done. It's like a gesture. They're swarmed under. It's like a piece of sand up against a wave. They're there, but not for long.

Cannon: You have said that you were talking about going into court on the water plan to show that this is an illegal expenditure of public funds. Could you describe what you plan as to the lawsuit and what other legal followups you have in mind?

Fellmeth: We're considering several suits, but just as important as that, I think, is we're going to feed information to other law suits going on.

If you have read the rebutal that we're getting, you know it is very general. We get the head of the MWD calling us, "headline hunters, completely inaccurate", so forth and so on, a very general statement. Well, our answer to him is this: he's going to have a chance to see whether we're headline hunters or inaccurate or whatever, because David Daar is going to be suing him on the same basis as our report alleges in superior court in Southern California, joined by the former director of that district, who is, I presume, not a headline hunter. David Daar is one of the leading class action attorneys in this nation. He won the leading case of class action called *Daar v. Yellow Cab,* which resulted in Rule 23 of the federal procedure. In any event, he is suing them, and we'll have a chance to see in court whether or not, in fact, we're just headline hunting, whether or not in fact we're accurate.

And there are other major suits. There's the Mineral King suit, and probably the most major one of all, as far as we're concerned, is the Sierra Club's Palmdale Airport suit. We have given the Palmdale file of the FAA to the Sierra Club, which is going to help out a great deal, because the basis for the suit there is that the FAA is required to make an impact statement, and the material in the file, the basis for the statement, bears no resemblance to the statement.

Cannon: Any other suits?

Fellmeth: Well, we're thinking about a number of suits in various areas in terms of helping out the people of California City, for example. Also, we're considering litigation in the areas of pollution enforcement, in the areas of enforcement of real estate law, and this sort of thing.

Many of these things, unfortunately, will probably require lobbying and that will have to wait a little bit. That's going to have to come not from us directly, because I think we've managed to offend at least 70 percent of the Legislature. It's very difficult to believe that they would immediately rush to our side on these issues. But, that doesn't mean that the report will not have the desired effect, because the fact that they are mad at us is not going to have any affect whatsoever, I think, on voting on these various issues. The issues aren't going to be tied to us. They're going to have to show that, in fact, either the conflicts of interest don't exist or they don't matter. And the only way that they can show that they don't matter is to institute our law, because if they really don't matter, they can have no really serious objection to our law.

Cannon: Do you think you'd be better off if you infuriated only, say, 50 percent instead of 70 percent of the legislators?

Fellmeth: Maybe, but we decided to not compromise. We were going to go a little further than we went in some areas in terms of researching individual legislators and investments and things of this sort and loans to them — really go into them in detail. We started to, but we decided that that would be bad because we had made our point. What we were afraid would happen was exactly what did happen — that people would think that we were criticizing individual legislators, saying that they were corrupt. But all we really wanted was institutional reform. We didn't want to get into the hassle of trying to decide whether Assemblyman Smith or Senator Jones was, in fact, influenced because he had this relationship. We wanted to show that there's institutional impropriety, that the balance of power is bad and we need to get an institutional kind of reform. That message does not get across like we wanted it to get across, unfortunately.

But, nevertheless, I think that in taking that approach, although we antagonized them, we've thrown the gauntlet down, and I don't think we've lost. If you'd take a poll of Californians, we'd still have high credibility among the people of California, and I think that they're going to have to disprove this now by action. That's the greatest motivation. That's the force behind acting on the report. Not love for us, but the idea of showing we were wrong. I want them to prove us wrong in this way. Nothing would please me more than to have that done.

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State Supreme Court Rules on Tahoe Compact, Voting Residence, Welfare Benefits and Campaign Finances

Although the California Supreme Court's decision in *Serrano v. Priest* (see page 235) clearly overshadows its other recent rulings, the court handed down several additional decisions in August and September which merit notice. Among these are decisions regarding the Tahoe Regional Planning Board, the registration of 18 to 20-year-old voters, financial reporting for ballot proposition campaigns and welfare regulations.

Tahoe Pact Upheld

On August 17th the Supreme Court unanimously upheld the constitutionality of the Tahoe Regional Planning Agency, which was created in 1970 by California and Nevada to aid in the preservation of Lake Tahoe. The decision rejected the contentions of two California counties, El Dorado and Placer, that the method of appointing the planning board's members deprives citizens of the right to vote and that the agency infringes upon the counties' right to self-government.

Both counties had refused to pay assessments levied against them as their shares of the agency's operating cost. The court's ruling in the suit, brought by Attorney General Evelle J. Younger, requires the counties to pay the accumulated assessments, which at the time of the ruling amounted to over $221,000.

The 10-member regional board included six members appointed by the California and Nevada counties surrounding Tahoe and four appointed by the two states. The decision denied that appointment to the board should have been strictly according to the population of each county, noting that "the compact represents an innovative attempt to deal with a problem directly affecting non-residents of the Tahoe basin, as well as residents."

Voting Residence

The newly enacted Twenty-Sixth Amendment to the U.S. Constitution, extending the right to vote to 18 to 20-year-olds, left doubt in the minds of some as to whether the college residence of an unmarried minor should be accepted as his or her residence for registration purposes. Local officials in communities adjacent to large college and university campuses have expressed some concern about the role college students may play in the politics of their communities if permitted to register there. Earlier this year, Attorney General Younger issued an opinion to county registrars to the effect that unmarried minors should be required to register at their parents' addresses.

On August 27th the Supreme Court ruled that for voting purposes the residences of minor citizens between the ages of 18 and 21 are to be fixed in the same manner as for adults. The decision was written by Justice Raymond E. Peters and signed by three of his colleagues. Chief Justice Donald R. Wright filed a separate concurring opinion signed by two other members of the court. Both opinions held that it would abridge minors' voting rights to compel them to travel to their parents' district to register and vote or to register and vote as absentees. "Such young people," said the court, "would be isolated from local political activity, with a concomitant reduction in their political influence and information."

Campaign Finances

Secretary of State Edmund G. Brown Jr. won a victory earlier in August when the court ruled unanimously that financial contributions in support of ballot proposition campaigns must be fully reported in accordance with the state's Election Code. The decision reversed an earlier Los Angeles Superior Court ruling that dismissed Brown's lawsuit against three oil companies and others in the campaign against Proposition 18 on the November 1970 ballot.

Brown immediately announced that he would resume prosecution of the companies and individuals who provided $95,000 in anonymous contributions to the campaign against Proposition 18 (see *California Journal*, December 1970, page 346). Brown's action seeks penalties of $1,000 each from three oil companies — Standard, Gulf and Mobil — two associations, and three individuals on the grounds that they failed to file names of contributors, the amounts given, and the names of recipients of funds to oppose the proposition, which would have authorized the diversion of gas tax funds to mass transit construction and pollution control.

AFDC Funds

On September 21st the court announced a unanimous decision requiring the state to conform to federal regulations regarding income exclusions and work-related expenses under the Aid to Families with Dependent Children program. The effect of the decision was to restore 27,000 beneficiaries to AFDC eligibility, with all back benefits.

The decision upheld a decision by Sacramento Superior Court Judge William Gallagher and voided an earlier conflicting decision by the Alameda Superior Court. Last fall, under threat of a cut-off in federal welfare funds, the state provided a long-sought cost-of-living increase (21.4 percent) for AFDC families. The increase was linked to a cutback in allowances used to calculate individual grants which removed some 27,000 persons from the rolls. Gallagher ordered the state to halt the cutback, ruling on an action brought by the California Welfare Rights Organization, but state officials said they were bound by the earlier Alameda Superior Court order to make the cuts so as to remove undeserving recipients from the rolls. The Supreme Court's decision stated that the state had been operating correctly before the intervention of the Alameda court.

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Field Polls Disclose Shifting Public Views on 18-Year Olds, School Bonds, and Reagan

Four California public opinion polls conducted by the Field Research Corporation in September demonstrated significant changes in the public's attitude toward 18-year-olds, local bond issues, and Governor Ronald Reagan, but no change in sentiment regarding the death penalty.

18-Year-Olds

In the short space of six months, public opinion in California has moved toward greater acceptance of the idea that 18-year-olds should be allowed to be legally responsible for their debts, to gamble at state race tracks and to purchase liquor. The change in opinion apparently stems from acceptance of the fact that 18 to 21-year-olds will be allowed to vote, following ratification of the Twenty-Sixth Amendment to the U.S. Constitution.

	February	August
Allow 18-year-olds to incur debts and be legally responsible for them		
Approve	59%	69%
Disapprove	38	28
Allow 18-year-olds to gamble at state racetracks		
Approve	37%	49%
Disapprove	60	47
Allow 18-year-olds to purchase liquor		
Approve	31%	48%
Disapprove	66	48

Bond Vote

The Field Poll also registered growing support for reducing the vote requirement for local bond issues from the two-thirds majority now required. A majority now favors lowering the vote requirement to 60 percent, and this holds true both north and south, among Democrats, Republicans and independents, and at most income levels.

The percentage favoring lowering of the vote requirement to 50 percent has also increased, but remains substantially less than a majority.

Local bond issues —	August 1971	March 1969
Favor lowering to 60%	56%	44%
Keep at two-thirds (66⅔%)	32	43
No opinion	12	13
Favor lowering to simple majority	37	23
Opposed to lowering to simple majority	49	64
No opinion	14	13

Following a series of recent lower court decisions, many educators were encouraged to believe that the two-thirds requirement might be declared unconstitutional in an extension of the one man, one vote principal. However, in June 1970 the U.S. Supreme Court ruled that states may continue to require more than a simple majority to pass bond issues.

Reagan's Popularity

A poll conducted in early August indicates that Governor Reagan has slipped substantially in terms of public favor. For the first time since taking office in 1967 more registered voters said they believe he is doing a "poor job" than said they believe he is doing a "good job," according to the Field poll.

	Think Reagan is doing a —		
	Good job	Fair job	Poor job
August 1971	28%	37%	33%
February 1971	32	35	28
February 1970	39	36	19
February 1969	42	36	15

The top three responses for approval and disapproval were as follows:

	Aug. 1971	Feb. 1971	Feb. 1970
Approve of:			
Welfare cutbacks, reform	32%	28%	4%
Firm handling of riots at universities, colleges	12	13	22
Efforts to cut government expenditures, balance the budget	8	13	14
Disapprove of:			
Has not reduced taxes, has raised taxes; no tax relief for property owners	22%	22%	20%
Welfare cutbacks, reduction of aid to needy, pensioners	19	18	6
Education, lack of understanding of needs, poor handling of system	14	9	3

Death Penalty

Although public support for the death penalty has declined from a high point in 1969, following the assassination of Robert Kennedy, it still has majority support. When asked whether they would be in favor of doing away with the death sentence or feel that it should be kept "as a punishment for serious crimes", a strong majority of Californians continued to favor retaining it.

	Keep capital punishment	Do away with it	Qualified or no opinion
Today	58%	34%	8%
1969	65	26	9
1966	54	30	16
1965	51	39	10
1963	56	28	16
1960	55	35	10
1956	49	29	22

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SCHOOL TAX *(Continued from page 237)*

to individual or district wealth, the court went on to say:

> . . . to allot more educational dollars to the children of one district than to those of another merely because of the fortuitous presence of such commercial and industrial property is to make the quality of a child's education dependent upon the location of private commercial and industrial establishments. Surely, this is to rely on the most irrelevant of factors as the basis for educational financing.

Tax Decision

If this decision stands, the state will have to make major changes in its school finance system so as to give every district an equal opportunity to raise school funds. One solution is to convert local property taxes to a statewide property tax with the revenues distributed to each district according to the number of students in the district. This would perhaps be the least drastic change, but it would mean continued reliance upon a tax which is unpopular with tax experts and taxpayers alike. The alternative is for the state to provide a massive increase in state aid from other tax sources, and it would probably require $1 to $2 billion, which would have a tremendous impact on the state's entire tax structure.

Fortunately, the state will have at least a year and maybe two or three to work out a solution. The lawyers themselves are uncertain as to what will happen now, but John Coons, Professor of Law at Boalt and a principal participant for the plaintiffs, says that if the state exhausts every appeal, a final decision may be put off no more than three years.

Even so, the school finance decision has had an impact on this year's tax debate — both complicating and simplifying the issue. As Assemblyman William T. Bagley pointed out before the tax bill negotiations between the Governor and Assembly leaders began, it certainly cut much of the ground from under demands for large-scale tax relief this year. That tax relief may very well be accomplished if and when the state is required to increase its aid to local school districts in response to the Supreme Court's decision. Hence, it would seem unwise for the state to commit its revenues to other forms of tax relief before the school finance issue has been resolved. Nevertheless, there is concern in the capitol that unless the Legislature provides some additional tax relief this year, the people may give their votes to one of the proposed ballot propositions to sharply curtail all property taxes, thus compounding an already difficult situation.

Social Implications

One of the most interesting aspects of *Serrano* is its potential impact on residential patterns and related social conditions. Assuming eventual equalization of ability to support public education, the disparity between the over-burdened inner schools and the comfortable schools of the suburbs should disappear, and with it one of the important factors in home location decisions by parents of school-age children. Similarly, there will be less reason for the suburbs to oppose the extension of low-cost housing inasmuch as the possible reduction in tax rolls will no longer adversely affect their ability to support education.

Seven Democrats Battle for 48th Assembly District Nomination

An Anglo Republican victory in the predominantly Democratic, one-third Mexican-American 48th Assembly District could result from a bitter brawl among competing Democratic factions in the October 19th special election to fill the vacancy caused by the election to the Senate of former Assemblyman David Roberti. While the Republicans have united behind a single candidate, Bill Brophy, the loser to Roberti for the Senate seat, there are at least four strong competitors among seven Democrats in the running.

The two strongest Democrats are Ralph Ochoa, an Urban Coalition attorney who ran against Roberti in the primary in 1970, and Richard Alatorre, Administrative Assistant to Assembly Majority Leader Walter Karabian. Assembly Speaker Bob Moretti is backing Ochoa and Karabian is backing Alatorre, and the division in the Assembly leadership is so bitter that Karabian offered to resign. While Moretti declined to accept the offer, the split is likely to have repercussions when the leadership is elected in January.

Meanwhile, two Anglo Democrats are appealing to nearly 80 percent of the registered voters who are not Mexican-Americans. Joe Kalin, a labor attorney and former United Automobile Workers official, has the strong backing of the liberal wing of the UAW. Paul Carpenter, who lists himself as a government environmental adviser, gained experience running against Assemblyman Kenneth Cory in Orange County in 1966 and is expected to run a vigorous campaign.

Other Democratic candidates are Bruce Bollinger, political science teacher at Cal State Fullerton who has the Americans for Democratic Action endorsement, Ysidro (Sid) Molina, field deputy to Los Angeles City Councilman Arthur K. Snyder, and Charles Bono, a "teacher-coordinator". Raul Ruiz, editor of *La Raza*, is running as an independent, and John Blaine is the Peace and Freedom Candidate.

Oblong Blog

The 48th Assembly District, which has been called a "gerrymandered oblong blog", covers East Hollywood, Silverlake, Echo Park, Elysian Park, Lincoln Heights, El Sereno, Atwater, Alhambra, Highland Park, and Mt. Washington in Los Angeles County. The district's Mexican-American population is centered in Lincoln Heights and El Serano. Out of 74,476 voters, the Democrats hold a majority of 46,185, the Republicans have 23,722, and there are 363 American Independents and 663 in the Peace and Freedom party.

In case no candidate receives a majority of the votes on October 19th, the runoff election will be on November 16th.

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LETTER FROM WASHINGTON
By Lou Cannon

September 20, 1971

A United States senator is usually given four years in which to be a statesman and two to be reelected, but California's senators can be forgiven for doubting this traditional equation. California has not returned an incumbent senator to office since Thomas Kuchel was reelected in 1962, and it is no secret either here or in Sacramento that Alan Cranston is looking ahead to 1974.

We talked about it last week, in one of those infrequent lunches where Cranston, after carefully checking the Senate voting schedule, allowed himself to leave Capitol Hill, and he threw aside his normal caution and all but predicted that Governor Ronald Reagan would be his next opponent. "As matters stand right now, I expect him to be the Republican nominee," Cranston said. "And I think I could beat him."

Cranston's outlook is dominated by the historic center-ground view of California politics in which a candidate tries to avoid opposition from the left wing of his party if he is a Democrat or from the right wing if he is a Republican and then push his general election opponent into an ideological corner. It worked for Cranston in 1968, with lots of help from GOP nominee Max Rafferty, but it backfired badly in 1966 when the Democrats made the mistake of helping to nominate Reagan. Understandably, Cranston prefers to remember 1968. He sees Houston Flournoy (who beat him for Controller in 1966) or Bob Finch as formidable general election opponents who are unable to get through a Republican primary because of insufficient conservatism. Cranston frankly believes that he will get moderate-to-liberal Republican votes against Reagan that would be lost in a Cranston-Flournoy or Cranston-Finch race.

This centrist theory has all the freshness of a stale cake, but it is being widely practiced in Washington these days, chiefly by the Republicans against Ed Muskie. It is being practiced also by President Nixon, who has, in the opinion of Republican National Communications Director Lyn Nofziger, created a "consensus on the issues" that has isolated the wings of either party.

Nofziger, the onetime press secretary to Reagan, expressed himself more characteristically when he took the national committee job. "Don't let them get away with telling any lies about me, Lyn," the President said at the time. "Don't worry, Mr. President," Nofziger replied. "I'm not even going to let them get away with telling the truth."

Even without using this partisan yardstick, it is difficult to "tell the truth" about the performance of either senator from California. The state is in many ways too much for any senator to represent, and some 70 percent of Cranston's staff time is devoted to simply answering the mail. Cranston has introduced a lot of legislation, including several important housing and environmental bills, but he is often reluctant to tackle the tough issues, except on clearly defined party positions, and he tends to easily impugn the motives of those he seeks to discredit. His mistaken attack on one Nixon appointee during the fight against the Supreme Court confirmation of Harrold Carswell diverted attention from the main battle and dismayed other Senate liberals. This year, Cranston confused senators of varying ideologies with an amendment that would have required Lockheed to change its management as a condition of a government loan guarantee. The amendment lost, the guarantee passed with Cranston voting for it, and Cranston as is typical in such cases, wound up with the suspicions of both sides.

Still, Cranston has some standing for a Senate freshman, a standing based chiefly on his capacity for hard work and his willingness to help other senators on issues on which they are allied. And on such issues as offshore marine sanctuaries, Point Reyes and the space shuttle, Cranston has picked up the mantle of bipartisan leadership from Kuchel, the man whom he replaced in the Senate.

Cranston is receptive to change, but perhaps too receptive, and was involved this month in a filibuster against the draft that sits uneasily with those of us who remember the filibuster as the last, worst hope of those senators who do not take seriously the preamble to the Declaration of Independence. That's not the way Cranston sees it. "I voted to change the rules but I'll use them while they're on the books," he told me. And he has.

With all his willingness to listen to young people on issues, Cranston remains resolutely old-fashioned in his view of the political system. He still thinks of a Republican opponent in terms of "conservative" or "liberal", seemingly oblivious to the willingness of California voters to go far afield from their ideologies if the candidate appeals to them. Cranston advisors seem obsessed by the senior senator's "lack of charisma" but see him winning as a consensus candidate of the center. Their view bolsters Cranston's traditionalism and his reluctance to become involved in the internecine Democratic warfare that bloodied him in the past.

The confluence of these considerations is likely to keep Cranston out of the 1972 presidential primary fight, though he privately prefers Muskie. "I have good friends and supporters in the camps of all the contending candidates," Cranston says. "And endorsing someone in a primary tends to impair one's effectiveness as a senator."

Maybe so. One can hardly blame Cranston for seeking to avoid the political errors of his past, and there is something to be said for neutrality in a Senate where half-a-dozen men see themselves as the next President. A senator, however, is also a leader of his political party, and it is hard to believe that Cranston would lose either his effectiveness or his supporters because he endorsed a candidate for President. He will offend few persons by his course of action, but he may also wind up pleasing no one.

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California Journal/*NEWSBRIEFS*

Legislative Adjournment Date Now Indefinite

On a 41-24 straight party line vote, the Assembly adopted a resolution repealing its scheduled September 30th adjournment date. The measure had previously been adopted by the Senate. Assembly Minority Floor Leader Bob Monagan said the adoption of the resolution, which failed to substitute a new adjournment date, marked the "lowest point" the Legislature has reached since it started to try to improve its image. "This implies there isn't going to be an effort to get the job done," Monagan said. Speaker Bob Moretti contended that Monagan "wanted to go home and forget the problems of the state. We came here to do a job," Moretti said, "and we are going to stay here until we accomplish our job, including tax reform, reapportionment and other important matters."

Secretary of State Brown Announces Plan to Prosecute Candidates

In an effort to enforce California's campaign disclosure law, Secretary of State Edmund G. Brown Jr. has given 134 unsuccessful political candidates until October 15th to file their campaign statements. Brown announced that 47 Democrats, 44 Republicans, 22 American Independent and 13 Peace and Freedom candidates failed to file their personal or committee campaign reports which are to include a general statement of campaign contributions and expenditures and a detailed list of all contributions over $500. The reporting law requires that candidates for state office file a campaign report within 35 days after an election. Failure to file is a misdemeanor and can become a felony if the candidate fails to file a campaign report with the knowledge that it is illegal. Violators are also ineligible to run again for public office. Included in the list of delinquent candidates are former Senator George Murphy, Congressman Don H. Clausen, and Norton Simon.

Bay Conservation Bill Approved by Senate Committee, Awaits Floor Vote

The creation of a nine-county Bay Area Regional Conservation and Development Agency is almost assured following approval by the Senate Revenue and Taxation Committee. The bill, AB 1057 by Assemblyman John Knox, would create an 83-member agency to draw up resource plans for the Bay Area. The next action on the bill is a vote by the full Senate, with 21 votes required to send it to the Governor. Opposition from the League of California Cities and other local government spokesmen was not sufficient to block committee passage of the measure, which has the support of the Association of Bay Area Governments as well as business and conservation groups.

Assemblyman Wilson Leads All Candidates in San Diego Mayoralty Race

Republican Assemblyman Pete Wilson led all candidates in this month's election for the post of mayor of San Diego. Wilson, 37, received 36.7 percent of the vote, twice that of the nearest contender, former city attorney Ed Butler. The two will face each other in a runoff election November 2nd. If Wilson is successful in replacing incumbent Frank Curran as the city's mayor, he will leave a vacancy in the 76th Assembly District seat he has held since 1966. The Governor would then be required to call a special election to fill the vacancy.

Coastline Protection Measure Approved By Assembly, Faces Senate Hurdle

The last remaining bill to require preparation of a land use plan for the 1,100 mile California coastline was approved by the Assembly on a 55-16 vote, one more vote than the two-thirds required for passage. The measure, AB 1471 by Assemblyman Alan Sieroty, faces considerable opposition in the Senate, where the Natural Resources and Wildlife Committee defeated three bills this month, including SB 1555 by Senators Alfred Alquist and Donald Grunsky which had support from the Planning and Conservation League and local government representatives. The Sieroty measure, which is broadly supported by all conservationist groups, hit a temporary snag when Assemblyman Frank Belotti, who made a motion to reconsider the measure before sending it to the Senate, was seriously injured in an automobile accident. Belotti is expected to be absent for the remaining weeks of the session and someone else must take up his motion, which is not expected to carry, before the bill can be sent to the Senate.

Community College Bond Issue Will Be on 1972 Ballot

A $160 million community college construction bond issue passed the State Senate September 23rd by a vote of 27-0 and was forwarded to the desk of Governor Ronald Reagan. Unless vetoed by the Governor, the bond issue question will appear on the general election ballot in November of 1972. Reagan previously allowed to pass into law without his signature a bill authorizing a vote on a $294 million bond issue to help build new University of California medical training facilities. The Governor objected to the cost figures in the UC measure but said, in declining to veto the legislation, that the voters had the right to express themselves at the ballot box. He is expected to take a similar position on the community college bonds.

Democratic Party Arranges Presidential Fund Raisers

Visits to California by Democratic Presidential hopefuls will sharply rise in the next two months with three major fund raising dinners planned by the state party. Presidential dinners will be held in San Diego on October 15th, Los Angeles on October 16th and in San Francisco on November 8th. Former Vice President Hubert H.

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Humphrey, U.S. Senators Birch Bayh, George McGovern and Fred R. Harris, and Los Angeles Mayor Sam Yorty have accepted invitations to the Los Angeles dinner. Bayh, Harris and Senator Muskie have agreed to attend the San Francisco dinner. Proceeds for the events will remain in trust until after the 1972 primary, at which time the money will be spent in behalf of the State Senate, Assembly and Congressional candidates.

Reagan to Tour Asia for Nixon; Reinecke to be Acting Governor

Governor Reagan's scheduled departure from Sacramento on October 8th to serve as President Nixon's emissary in Southeast Asia, has provided an additional impetus to concluding negotiations over the tax package. The Reagan tour will include visits to Japan and Taiwan in preparation for the President's forthcoming China visit. The absence of the Governor from the state during what may be the concluding days of the legislative session may give Lt. Gov. Ed Reinecke responsibility for signing or vetoing the volume of bills which will be sent to his desk as the Legislature concludes its business for the year.

Moratorium Placed on Tahoe Development Pending Further Study of Regional Plan

The bi-state Tahoe Regional Planning Agency has postponed adoption of a proposed general plan for the Lake Tahoe Basin until additional study of the environmental impact of the plan is available. In the meantime, the agency, which approves development in the basin, announced on September 29th a moratorium on all development proposals until the studies are submitted. The new policy resolved a split between California and Nevada members over the question of adopting the plan. California members, at the urging of Resources Agency Secretary Norman Livermore Jr., indicated they were ready to accept the plan. Nevada members, however, balked at supporting the general plan until action could also be taken on the land capabilities map and the implementing ordinance. John Meder of Carson City said that "Nevada members do not believe it would be fair to the environment of Lake Tahoe or to the public to adopt only a land use map at this time." It is expected that it will take at least three months to complete the environmental impact studies.

Across-the-Board 7.5% Salary Increase Approved for College Faculty

A bill to give a 7.5 percent pay boost to University of California and California State College faculty members was approved by the Senate on a 27-6 vote — exactly the two-thirds vote needed for passage. The bill by Senator Albert S. Rodda provides that the salary hike, which will cost the state $18 million, will not take effect until after President Nixon's wage freeze is lifted. The Senate action provides an alternative to the 10 percent pay raise vetoed by Governor Reagan before he signed the 1971-72 budget. Attempts to gain support for an override of the Governor's veto of that budget item failed, but 18 Democrats and nine Republicans cast votes for the Rodda bill.

In a related action, State College Chancellor Glenn S. Dumke called on President Nixon's Cost of Living Council to remove the freeze on merit salary adjustments due approximately 5,000 state college employees and to grant an exemption to permit the California Legislature to consider cost-of-living increases.

Senate and Assembly Make Reapportionment Progress

Senate Democrats, getting the jump on the Assembly, made a Senate reapportionment plan available to the full Senate membership on the last day of September. The details remained to be announced publicly, but the Senate appears to be well ahead of the Assembly, where the Democratic leadership is reported to be having serious problems in gaining the support of Democrats, as well as Republicans.

The Democratic leadership of the Assembly met behind closed doors during much of the month of September discussing proposed lines with one Assemblyman after another, hoping to reach agreement on a bill which Henry Waxman, Chairman of the Assembly Elections and Reapportionment Committee had said would be introduced by the end of the month. Meanwhile the Republican leadership in the lower house, in an effort to pressure the Democrats to reveal their reapportionment plans and to provide for increased representation for Mexican-Americans, offered their own reapportionment plan on September 8th. The move has not perceptibly speeded the Democratic timetable, however, and it has only slightly increased the already great pressure on the Democrats to strengthen the two-seat representation of Mexican-Americans in the Assembly.

It is considered doubtful that the Democrats will be able to substantially increase minority representation — mostly centered in declining population areas of center cities — because it would have to be at the expense of incumbent Democrats, a proposition which the Republicans, obviously, have less trouble suggesting. Three of the proposed Mexican-American seats under the Republican plan are held by incumbent Anglo Democrats: Assembly Majority Floor Leader Walter Karabian, and Finance and Insurance Committee Chairman Jack Fenton in Los Angeles and Assemblyman John Vasconcellos in San Jose.

Moreover, the Republican plan would result in at least three seats which are presently Democratic becoming Republican: the 14th Assembly District seat in Alameda County held by Democrat Robert Crown would become a Republican seat in Orange County; the 48th District seat in Los Angeles which was held by Democrat David Roberti until his election to the Senate in July would become a Republican seat in Orange County; the 19th District seat in San Francisco held by Democrat Leo McCarthy would become a Republican seat in Santa Clara County.

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CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month; if one of these boards is not listed, it can be assumed that it is not scheduled to meet this month. Boards and commissions to be included are: Board of Corrections; Trustees of the California State Colleges; California Community Colleges Board of Governors; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission on Housing and Community Development; Lands Commission; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

Oct. 4 **Coordinating Council for Higher Education.** Metropolitan Airport. Sacramento. 9:00 a.m.

Oct. 7 **Commission on Judicial Appointment.** Chambers of the Chief Justice of California, State Building, San Francisco. 10:00 a.m.

Oct. 8 **State Park and Recreation Commission.** Hamilton Auditorium, Chico State College, Chico. 10:00 a.m.

Oct. 8-9 **Law Revision Commission.** State Bar Building, 901 McAllister Street, San Francisco. 10/8 — 9:30 a.m.; 10/9 — 9:00 a.m.

Oct. 14-15 **State Board of Education.** B109 Auditorium, State Building, 1350 Front Street, San Diego. 9:30 a.m.

Oct. 15 **Board of Regents, University of California.** University Extension Center, 813 South Hill, Los Angeles.

Oct. 20-21 **Board of Governors, California Community Colleges.** Hanalei Hotel, 2270 West Hotel Circle, San Diego. 9:30 a.m.

Oct. 21 **Commission of Housing and Community Development.** Rm. 3344, 1121 O Street, Sacramento. 1:30 p.m.

Oct. 21-22 **Board of Trustees, California State Colleges.** Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles. 10/21 — 9:00 a.m.; 10/22 — 8:30 a.m.

California Highway Commission. City Hall, 351 Madison Ave., Monterey. 9:00 a.m.

State Social Welfare Board. Watertree Inn, 4451 North Blackstone Street, Fresno. 10/21 — 7:30 p.m.; 10/22 — 9:00 a.m.

Oct. 29 **Joint Committee on Atomic Development and Space.** 455 Golden Gate Ave., Rm. 1194, San Francisco. 9:00 a.m. Subject: California Aerospace Industry and the Unemployed Aerospace worker.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

PEOPLE IN THE NEWS

APPOINTED

Wardell Connerly, 32, as Assistant Director of the Department of Housing and Community Development, by department director Donald F. Pinkerton. Connerly formerly served as the department's program coordinator and as chief consultant to the Assembly Urban Affairs and Housing Committee.

Gus Guichard, 40, Dean of Extended Opportunity Programs for the California Community Colleges, as Assistant Chancellor for Academic and Student Affairs, by Chancellor Sidney W. Brossman.

Donald G. Livingston, 33, assistant secretary of the Agriculture and Services Agency, as Director of the Department of Consumer Affairs, by Governor Reagan.

Alexander J. Reis, 43, a Kaiser Industries executive, as assistant secretary of the Agriculture and Services Agency, by Governor Reagan.

Hal D. Steward, 49, Assistant Director for Communications in the State Department of Human Resources Development, as Special Executive Assistant to Lt. Governor Ed Reinecke.

Dr. Stafford Warren, 75, Dean Emeritus of the UCLA Medical School and former director of the Atomic Energy Project for 11 years, to the State Air Resources Board, by Governor Reagan.

ELECTED

Blanche Goldstein, of Sacramento, as State Women's Division Chairman of the Democratic Party, replacing Eleanor Fowle, who resigned.

Marvin E. Lewis, San Francisco attorney who founded the California Trial Lawyers Association, as national president of the American Trial Lawyers Association.

Wilbur Littlefield, 16-year veteran of the Los Angeles Public Defender's Office, as President of the 600-member California Public Defender's Association.

RESIGNED

John Brooks, as Northern California Chairman of the Democratic State Central Committee. John Merlo, Northern California Treasurer will serve as acting chairman.

Eleanor Fowle of Los Altos Hills, as State Women's Division Chairman of the California Democratic Party.

Vigo G. "Chip" Nielsen, 28, as Executive Assistant to Lt. Governor Ed Reinecke.

DIED

Milton Babitz, 55, Chief Deputy State Superintendent of Public Instruction since January, 1971. An 18-year veteran of the department, he was appointed to the number two position in the Department of Education by Supt. of Public Instruction Wilson Riles.

Thomas L. Pitts, 56, former executive secretary-treasurer of the 1.6 million-member California Labor Federation, AFL-CIO, for ten years, retiring in 1970.

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Selected State Government Reports

Power and Land in California, Nader Report on California (preliminary draft), Center for the Study of Responsive Law, 1156 19th St., NW, Washington, D.C. 20036. 1971. Vol. I, Chapters 1-5; Vol. II, Chapters 6-8. $30.00 per set. $5.00 for first class postage; $8.00 a r mail.

CRIMINAL JUSTICE

California Prisons in Crisis, California State Employees' Association, 1108 "O" St., Sacramento 95814. Sept. 1971. 11 p. Recommendations for prison employee safety.

Handbook for Expansion of Pretrial Release in the San Francisco Bay Area. Association of Bay Area Governments, Hotel Claremont, Berkeley 94705. May, 1971. 85 pages. Proposed model program for release of persons arrested on own recognizance in lieu of continuing bail system.

Initial Report and Recommendations on the California Council on Criminal Justice, Assembly Select Committee on the Administration of Justice, June, 1971. 32 p.

Penal Code of California, Peace Officer's Abridged Edition, Department of General Services, Documents Section, P.O. Box 20191, Sacramento 95820. 1971. $2.10.

Prisons: A California Crisis, Senate Democratic Caucus, Senator Mervyn Dymally, Chairman. March, 1971. 30 p. A compilation of **Sacramento Bee** and **San Francisco Chronicle** articles on conditions in California prisons and needed reforms.

Regional V Comprehensive Criminal Justice Plan. Association of Bay Area Governments. 1971. 253 pages. Final draft of proposed multi-county regional criminal justice planning program for San Francisco Bay Area.

EDUCATION

Educational Research Projects Reported by California County and District School Offices, 1969-70. California Teachers Association, 1705 Murchison Dr., Burlingame 94010. March, 1971. 52 pages. $1.00.

How to Get More Out of Your School Dollar, a summary report by the Governor's Education Task Force. July, 1971. $1.00. Write: Office of Procurement, Documents Section, P.O. Box 20191, Sacramento 95820.

Review of the February, 1971. Auditor General's Report on the Children's Center Program, Report of the Assembly Committee on Efficiency and Cost Control. May, 1971. 12 p. Transcript of hearing published June, 1971; 180 p. Discusses lack of coordination among state agencies relative to federal reimbursement of programs.

Education for Farm Migrant Children, Dept. of Education, 721 Capitol Mall, Sacramento 95814. 1971. 49 p. Report on six-state project to improve educational opportunities for children of migrant farm workers.

ENVIRONMENT

Third Annual Report of the California Advisory Commission on Marine and Coastal Resources, 714 P St., Room 770, Sacramento 95814. 1971. 74 p. A review of California coastal zone management and the development of the Comprehensive Ocean Area Plan.

California's Disappearing Coast: A Legislative Challenge, by Gilbert E. Bailey and Paul S. Thayer, Institute of Governmental Studies, University of California, Berkeley 94704. 1971. 98 p. $3.15.

People, Power, and Pollution, Environmental and Public Interest Aspects of Electric Power Plant Siting, California Institute of Technology, Environmental Quality Laboratory, 1201 E. California St., Pasadena 91109. EQL Report No. 1. Sept., 1971, 86 p.

The Visual Environment of Los Angeles, Dept. of City Planning, Los Angeles 90012. April, 1971. 71 p. Problems of visual pollution and proposals for visual improvement.

Outdoor Noise and the Metropolitan Environment: Case Study of Los Angeles with Special Reference to Aircraft, Dept. of City Planning, Los Angeles 90012. 1970. 60 p.

LOCAL GOVERNMENT AND HOUSING

Market Aggregation in California: Part II, The Supply Side of the Factory-Built Housing Market, Dept. of Housing and Community Development, 1121 "O" St., Sacramento 95814. Aug., 1971. 87 p. Outlines anticipated production and sales by housing producers in California through 1975.

Urban Growth in California: New Towns and Other Policy Alternatives, by William Alonso, Institute of Urban and Regional Development, University of California, Berkeley 94704. May, 1971. 17 p. $.50.

Population Estimates for California Counties and **Population Estimates for California Cities,** Population Research Unit, 1623 10th St., Sacramento 95814. 1971.

MISCELLANEOUS

California State Water Project: 1970, Dept. of Water Resources, 1416 9th St., Sacramento 95814. 27 p. Annual progress report.

Public Land Ownership in California, State Lands Division, 1600 L St., Sacramento 95814. June, 1971. 220 p. $2.00. Statistical inventory of federal, state, county and city lands.

Governor's Reorganization Plans Nos. 1, 2, and 3. Office of the Governor. June-July, 1971. Proposals for reorganization of regional water quality control boards, the Board of Dry Cleaners and the office of Fire Mashall, and creation of the Environment and Resources Agency.

Transcript of Hearing Relating to Charges of Discrimination in State Hiring Practices, Assembly Committee on Employment and Public Employees. April-May, 1971. 151 p. $3.00. Available from Assembly Rules Committee.

"The Partisan Consequences of Non-Partisan Elections," Public Affairs Reports, No. 3, June, 1971. University of California, Institute of Governmental Studies, Berkeley 94704. 4 p.

Unless otherwise indicated, reports may be obtained by writing the appropriate committee or agency, c/o State Capitol, Sacramento, California 95814. Orders payable by check or money order only.

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VOTING RECORDS

SENATE

SB 819 (Deukmejian) — Provides that a person found drunk in public may be placed in civil protective custody by a peace officer and taken to an inebriate detoxification facility. Passed 31-4.

SB 1477 (Rodda) — Authorizes the establishment of the Sacramento Regional Transit District, comprising the cities of Davis, Folsom, Roseville, Sacramento, and Woodland, and the unincorporated territory of Sacramento County. Passed 22-8.

SB 1604 (Bradley) — Requires community college students to pay student body membership fees if approved by ⅔ vote of the student body. Failed 12-20.

September 10th to 16th

AB 1010 (Cullen)— Authorizes Governor to convert workweek for state employees to four days. Passed 30-0. (Passed Assembly 66-2).

AB 950 (Fong) — Allows venereal disease instruction to be taught in health education courses and exempts such instruction from restrictions which apply to sex education classes. Allows parent to prohibit child from taking VD instruction. Passed 21-10. (Passed Assembly 51-11.)

SB 51 (Beilenson) — Provides for the registration of automotive repair dealers. Establishes a Bureau of Automotive Repair in the Department of Motor Vehicles. Passed 32-2.

SB 129 (Rodda) — Major school finance measure. Provides $100 million for state school support for 1971-72 fiscal year. Passed 30-3.

SCA 3 (Alquist) — Would establish, subject to the approval of the voters at 1972 election, an open presidential primary to allow all recognized candidates to appear on primary ballot. Passed 27-7.

SB 676 (Lagomarsino) — Adopts federal system for jury selection in California by requiring judges to conduct the examination of prospective jurors and reducing time required for the selection of juries. Passed 23-10.

SB 931 (Alquist) — Requires Publice Utilities Commission to establish rates on the basis of taxes actually paid by an electrical, gas, telephone, or water corporation. Failed 14-21.

SCA 51 (Dymally) — Changes the requirement for voter approval of local government to incur indebtedness from ⅔ to 60 percent. To be submitted to a vote of the people at 1972 election. Passed 29-7.

SB 1372 (Alquist) — Removes president of the Public Utilities Commission as executive and administrative head and places secretary in charge of the commission. Failed 14-17.

SB 821 (Deukmejian) — Provides that judge in civil or criminal jury cases in other than capital cases shall examine prospective jurors in the selection of a jury. Failed 18-9. Reconsideration granted.

ASSEMBLY

September 7th to 9th

SB 650 (Behr) — Allows prophylactics to be advertised and displayed if accompanied by educational information on venereal disease prevention. Passed 42-6. (Passed Senate 22-13).

SB 375 (Beilenson) — Permits a minor to obtain contraceptive devices and drugs without parental consent. Failed 23-17. Reconsideration granted. (Passed Senate 21-17).

AB 2651 (Lanterman) — Appropriates additional $15,000 to the Department of Justice to assist counties in locating absent parents for child support payments. Passed 62-0.

SB 698 (Marks) Appropriates up to $2,472,546 and up to $1,500,000 for higher education opportunity programs for state colleges and community colleges respectively. Failed 52-13 (54 votes required because of urgency clause). Reconsideration granted. (Senate passed 27-7).

SB 1146 (Moscone) — Prohibits the asexualization of prisoners who are recidivist offenders.. Passed 47-11. (Passed Senate 25-6).

AB 835 (Collier) — Establishes the "Learn, Earn, and Reimburse Plan," to provide for a system of loaning money to students enrolled in community colleges who desire to attend private colleges and universities. Passed 55-3.

SB 857 (Petris) — Prohibits landlord from cutting off a tenant's utilities for purpose of eviction. Passed 41-10. Motion to reconsider vote made by Assemblyman Lanterman. (Passed Senate 21-8.)

SB 433 (Collier) — Allows student body organization membership fees to be used for the support of student legislative advocates and permits state college trustees, upon

SENATE	SB 819	SB 1477	SB 1604	AB 1010	AB 950	SB 51	SB 129	SCA 3	SB 676	SB 931	SCA 51	SB 1372	SB 821
Republicans — 19													
Behr	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bradley	N	N	Y	●	N	N	N	N	Y	N	N	N	Y
Burgener	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	*	*
Carpenter	Y	N	*	Y	N	N	Y	N	Y	N	N	N	*
Cologne	*	*	N	Y	*	Y	Y	Y	N	N	N	N	Y
Coombs	Y	*	N	Y	*	*	*	N	Y	N	N	N	Y
Cusanovich	Y	*	Y	Y	●	Y	*	Y	Y	N	Y	N	Y
Deukmejian	Y	Y	Y	*	N	Y	Y	N	Y	N	Y	N	Y
Grunsky	Y	Y	Y	Y	*	Y	Y	Y	Y	N	Y	*	Y
Harmer	Y	N	Y	Y	N	*	*	*	*	●	*	*	*
Lagomarsino	Y	N	Y	Y	N	Y	Y	Y	Y	N	*	N	Y
Marks	Y	Y	N	Y	Y	Y	Y	Y	*	N	Y	N	N
Marler	Y	N	N	Y	Y	Y	*	*	Y	N	Y	N	*
Nejedly	Y	*	N	Y	*	●	Y	*	Y	*	Y	*	Y
Richardson	N	N	N	Y	*	*	N	N	Y	N	N	N	*
Schrade	N	N	*	Y	N	Y	N	N	Y	N	N	N	●
Stevens	Y	N	Y	Y	N	Y	Y	*	Y	N	*	*	Y
Way	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y
Whetmore	Y	●	Y	Y	N	Y	Y	N	Y	N	N	N	Y

	SB 819	SB 1477	SB 1604	AB 1010	AB 950	SB 51	SB 129	SCA 3	SB 676	SB 931	SCA 51	SB 1372	SB 821
Democrats — 20													
Alquist	*	*	*	*	Y	Y	Y	Y	N	Y	Y	Y	N
Beilenson	*	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	*
Carrell	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Collier	Y	*	Y	Y	*	Y	Y	Y	*	N	Y	N	*
Dills	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	N	Y
Dymally	*	*	*	*	Y	Y	Y	Y	N	Y	Y	Y	N
Gregorio	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y
Holmdahl	Y	Y	N	*	N	Y	Y	Y	N	Y	Y	Y	Y
Kennick	Y	Y	*	Y	Y	Y	Y	Y	Y	N	Y	N	*
Mills	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Moscone	Y	Y	N	Y	Y	Y	*	Y	N	Y	Y	Y	N
Petris	Y	Y	N	Y	*	*	Y	Y	N	Y	N	Y	N
Roberti	*	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Rodda	Y	Y	*	Y	Y	Y	Y	Y	N	Y	Y	Y	*
Short	Y	Y	N	*	Y	Y	*	*	*	*	*	*	N
Song	Y	*	N	*	Y	Y	Y	Y	Y	N	Y	Y	*
Stiern	N	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Teale	Y	Y	N	*	*	*	Y	Y	*	Y	Y	*	N
Walsh	Y	Y	N	Y	N	Y	Y	*	N	N	Y	N	N
Wedworth	Y	Y	N	*	Y	Y	Y	Y	*	*	Y	*	N
Zenovich	Y	Y	N	Y	Y	Y	*	Y	N	*	Y	*	*

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approval of student body, to establish activities fee for the support of instructional programs at colleges having no student body organization. Failed 27-30. Reconsideration granted.

September 17th to 23rd

SB 1516 (Moscone) — Would allow probation to be granted in unusual cases in which the interests of justice would best be served without requiring the approval of the district attorney. Passed 45-9. (Passed Senate 21-13.)

AB 836 (Collier) — Eliminates basic aid to school districts and provides instead for the apportioning of funds as state equalization aid, which is increased by $9 per pupil based on statewide average daily attendance. Passed 44-16.

SB 28 (Song) — Strengthens regulations governing the charging and refunding of employment agency fees and prohibits the use of fictitious names by employment agency counselors. Requires proper disclosure of fee schedules to applicants. Passed 59-3. (Passed Senate 28-0.)

SB 168 (Rodda) — Provides for the submission to voters at 1972 election of $160 million bond issue for the support of community colleges. Passed 67-0. (Passed Senate 30-0.)

SB 890 (Rodda) — Provides that students of public schools have the right to exercise free expression and the distribution of printed matter or petitions. Passed 45-18. (Passed Senate 28-2.)

SB 59 (Rodda) — Eliminates possibility that only one violation of sex education regulations shall be grounds for suspension or dismissal of a teacher. Failed for second time, 29-23. (Passed Senate 22-12.)

AB 1471 (Sieroty) — Creates the California Coastal Zone Conservation Commission and six regional commissions to regulate the use of the coastal zone area. Passed 55-16. Motion to reconsider vote made by Assemblyman Belotti.

SB 855 (Song) — Prohibits any future prosecution for the same offense if felony charges against an individual are dismissed because felony action was not brought to trial within 60 days. Passed 41-24. (Passed Senate 21-15.)

SB 97 (Song) — Requires card issuers to correct billing error within 60 days of being informed or to forfeit the amount in question. Passed 57-3. (Passed Senate 26-2.)

ASSEMBLY	SB 650	SB 375	AB 2651	SB 698	SB 1146	AB 835	SB 857	SB 433	SB 1516	AB 836	SB 28	SB 168	SB 890	SB 59	AB 1471	SB 855	SB 97
Democrats — 42																	
Bee	Y	*	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	*	Y
Brathwaite	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y
Brown	Y	*	*	Y	Y	*	*	Y	Y	N	*	*	*	Y	Y	Y	Y
Burton	Y	Y	*	Y	*	*	*	*	Y	N	Y	Y	Y	Y	Y	Y	N
Chacon	Y	*	Y	Y	Y	Y	Y	*	Y	Y	*	*	*	Y	Y	Y	Y
Cory	*	*	Y	*	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	*
Crown	*	*	Y	Y	*	*	*	Y	Y	*	*	*	Y	Y	Y	Y	*
Cullen	*	*	Y	*	Y	Y	Y	N	Y	*	Y	Y	Y	*	Y	Y	Y
Davis	Y	N	Y	Y	*	Y	*	N	*	N	Y	Y	N	N	N	N	*
Deddeh	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y
Dunlap	Y	Y	Y	Y	Y	N	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y
Fenton	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y
Fong	Y	Y	Y	Y	Y	*	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y
Foran	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	*	Y
Garcia	*	*	Y	Y	*	Y	*	N	Y	Y	*	*	*	*	Y	Y	*
Gonsalves	Y	*	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	N	Y	Y	Y
Greene, B.	*	*	Y	Y	Y	*	Y	N	*	*	Y	Y	Y	Y	Y	Y	N
Greene, L.	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	*	Y
Johnson, H.	*	*	Y	Y	Y	*	*	N	Y	*	Y	Y	Y	Y	*	Y	Y
Karabian	Y	*	Y	Y	Y	*	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y
Keysor	Y	Y	Y	Y	Y	*	Y	N	*	Y	Y	Y	Y	*	Y	Y	Y
Knox	*	*	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
LaCoste	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
MacDonald	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	N	Y
McAlister	N	N	Y	*	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
McCarthy	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y
Meade	*	*	*	Y	Y	*	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y
Miller	*	*	Y	Y	*	*	*	*	Y	N	Y	Y	N	*	Y	Y	*
Moretti	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y
Pierson	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	*	*	*	Y	Y	Y	Y
Porter	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
Powers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Quimby	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Ralph	*	*	Y	*	*	*	*	*	Y	Y	*	Y	Y	Y	Y	Y	*
Ryan	Y	Y	Y	Y	Y	Y	Y	*	Y	*	Y	Y	*	*	Y	Y	Y
Sieroty	Y	Y	Y	Y	Y	*	Y	*	Y	*	Y	Y	Y	Y	Y	Y	N
Thomas	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Townsend	Y	*	Y	●	*	Y	*	N	Y	N	Y	Y	N	*	Y	*	*
Vasconcellos	*	*	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Warren	Y	Y	Y	*	*	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	*
Waxman	Y	Y	Y	Y	Y	N	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y
Z'berg	*	*	Y	*	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	*
Republicans — 37																	
Arnett	Y	*	Y	Y	*	Y	*	Y	*	Y	Y	Y	*	Y	N	N	Y
Badham	N	*	Y	*	*	*	*	*	*	N	*	Y	N	N	N	N	Y
Bagley	*	*	*	Y	Y	Y	Y	Y	Y	*	*	*	*	*	Y	Y	Y
Barnes	*	*	Y	N	Y	Y	*	N	Y	Y	Y	Y	N	N	N	Y	Y
Belotti	Y	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	N	N	Y	Y
Beverly	*	*	Y	*	*	●	*	*	Y	N	Y	Y	Y	●	Y	Y	Y
Biddle	Y	N	*	*	*	*	*	*	*	*	Y	Y	N	*	*	*	Y
Briggs	N	N	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	*	Y	N	Y
Burke	*	N	Y	N	*	Y	N	Y	*	N	Y	Y	N	*	*	*	*
Campbell	*	Y	Y	Y	Y	Y	*	N	*	*	*	*	*	N	Y	Y	Y
Chappie	*	Y	Y	Y	Y	Y	*	N	Y	Y	*	*	*	*	*	*	Y
Cline	*	*	Y	*	*	Y	N	N	*	Y	Y	Y	N	N	Y	*	Y
Collier	N	N	Y	N	N	Y	N	N	*	Y	Y	Y	N	N	N	N	Y
Conrad	Y	N	Y	N	N	Y	N	Y	N	Y	Y	Y	N	N	N	N	*
Dent	*	*	Y	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Duffy	*	Y	Y	Y	Y	Y	N	N	*	Y	*	Y	Y	N	Y	N	Y
Hayden	Y	N	Y	*	N	Y	N	N	N	*	Y	Y	Y	N	Y	N	*
Hayes	Y	N	Y	Y	Y	Y	*	Y	N	Y	Y	Y	N	N	Y	Y	Y
Johnson, R.	Y	Y	Y	Y	*	Y	Y	*	*	Y	Y	Y	Y	N	N	N	Y
Ketchum	N	N	Y	N	Y	Y	Y	N	Y	Y	N	Y	N	N	N	N	Y
Lanterman	*	*	Y	N	Y	Y	Y	Y	N	*	*	*	*	*	*	*	Y
Lewis	*	Y	Y	Y	*	Y	*	N	Y	Y	*	Y	Y	*	*	*	*
MacGillivray	Y	N	Y	Y	N	Y	N	N	*	Y	N	Y	N	N	N	N	Y
Maddy	Y	N	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	N	Y
Mobley	Y	*	*	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
Monagan	*	*	*	Y	*	*	*	*	Y	Y	*	Y	*	*	Y	*	*
Moorhead	*	*	Y	N	N	Y	N	N	N	N	Y	Y	N	N	Y	N	*
Murphy	Y	N	Y	Y	Y	Y	Y	N	●	Y	Y	Y	Y	*	Y	N	*
Priolo	Y	N	Y	Y	Y	Y	*	N	*	N	*	*	*	N	Y	N	*
Russell	*	*	Y	N	N	Y	Y	Y	N	N	Y	Y	N	*	Y	N	*
Schabarum	Y	●	*	N	N	Y	*	N	*	Y	Y	Y	*	●	N	*	Y
Seeley	*	*	Y	Y	N	Y	*	N	*	Y	Y	Y	N	N	N	N	Y
Stacey	Y	Y	Y	N	Y	Y	*	N	*	*	Y	Y	N	N	N	N	Y
Stull	*	*	*	N	*	*	*	*	Y	Y	Y	Y	*	N	N	N	*
Wakefield	N	N	*	N	*	Y	N	N	N	N	N	Y	N	●	*	●	Y
Wilson	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	*	Y
Wood	Y	N	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	N	Y	N	Y

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Those who have given themselves the most concern about the happiness of peoples have made their neighbors very miserable.

– Anatole France

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